United Nations

United Nations High Commissioner for Refugees

Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

Fifty-third session (30 September-4 October 2002)

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Fifty-seventh Session
Supplement No. 12A (A/57/12/Add.1)

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Note

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(Geneva, 30 September - 4 October 2002)

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1. INTRODUCTION

A. Opening of the Session

1. The Executive Committee of the High Commissioner's Programme held its fifty-third session at the Palais des Nations in Geneva, from 30 September to 4 October 2002. It was opened by the outgoing Chairman, His Excellency, Ambassador Johan Molander (Sweden).

2. In a statement to the Committee, Ambassador Molander qualified the past year as eventful for UNHCR with significant new developments, notably in Afghanistan. As Chairman, he had pursued a number of objectives on which he wished to report to the Committee. The year had seen a strong focus on protection through the Global Consultations process, which had allowed constructive discussion of a range of controversial issues, despite the harsh political realities of today's world. He next referred to the serious allegations of sexual exploitation of refugee children and women by humanitarian workers in West Africa, which had prompted him to set up an informal working group. This group had met at regular intervals throughout the spring and summer, providing a forum for briefings and discussions on both remedial and preventive action. He emphasized that it was important to recognize that women and children are at risk wherever there is extreme poverty and dependency, as in all refugee and IDP situations. It was therefore vital to do everything possible to assist victims and minimize the risk of abuse in the future.

3. He then described two other areas to which he had accorded priority: increased visibility of the non-cash contributions of countries hosting large refugee populations, and the improvement of UNHCR's funding. Draft decisions on both these subjects were proposed to the Committee signifying some progress achieved, but much still remained to be done on both these subjects.

4. In conclusion, the Chairman referred to the rewarding experience he had experienced through his visit of UNHCR's programmes in Colombia and Venezuela, observing that it was important to gain some first hand experience of the refugee reality and of the daily fight of individuals for human dignity. He paid tribute to UNHCR's presence as an indispensable support for this fight, and emphasized that this was a crucial time, amid xenophobic tendencies, to strengthen UNHCR as the main international institution mandated to provide protection for millions of our most desperate and needy fellow human beings.

B. Election of Officers

5. Under Rule 10 of its Rules of Procedure, the Committee elected the following officers by acclamation:

Chairman: H.E. Ambassador Fisseha Yimer (Ethiopia)

Vice-Chairman: H.E. Ambassador Jean-Marc Boulgaris (Switzerland)

Rapporteur: Ms. Paula Reed Lynch (United States of America)

C. Representation on the Committee

6. The following members of the Committee were represented at the session:

Chile, China, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Denmark, Ecuador, Ethiopia, Finland, France, Germany, Greece, Guinea, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Japan, Lebanon, Lesotho, Madagascar, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

7. The Governments of the following States were present as observers:

Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bahrain, Barbados, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Cambodia, Cameroon, Central African Republic, Congo, Costa Rica, Cuba, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Egypt, Eritrea, Estonia, Georgia, Ghana, Guatemala, Iceland, Indonesia, Iraq, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Libyan Arab Jamahiriya, Lithuania, Malawi, Malaysia, Malta, Mauritania, Monaco, Myanmar, Nepal, Niger, Oman, Panama, Paraguay, Peru, Portugal, Qatar, Republic of Moldova, Romania, Rwanda, San Marino, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, Sri Lanka, Swaziland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Ukraine, United Arab Emirates, Viet Nam, Yemen, Zambia, Zimbabwe.

8. Palestine was represented as an observer.

9. Also present as observers were: European Commission, Council of the European Union, International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC), Sovereign Military Order of Malta, African Union, Executive Committee of the Commonwealth of Independent States, International Organization for Migration (IOM), League of Arab States, Organization of the Islamic Conference (OIC)

10. The United Nations system was represented as follows:

United Nations Office at Geneva (UNOG), Joint Inspection Unit (JIU), Office of the United Nations High Commissioner for Human Rights (OHCHR), Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Children's Fund (UNICEF), United Nations Population Fund (UNFPA), United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations Relief and Works Agency for Palestine Refugees in the Near-East (UNRWA), United Nations Human Settlements Programme (Habitat), World Food Programme (WFP),

United Nations Institute for Training and Research (UNITAR), International Labour Organization (ILO), Food and Agricultural Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Intellectual Property Organization (WIPO).

11. A total number of 49 non-governmental organizations were represented by observers.

D. Adoption of the Agenda and other Organizational Matters

12. The Executive Committee adopted by consensus the following agenda (A/AC.96/968):

1. Opening of the Session
2. Election of Officers
3. Adoption of the Agenda and other Organizational Matters
4. Presentation by the High Commissioner
5. Guest Speakers
6. Reports on the Work of the Standing Committee
   (a) International Protection
   (b) Programme, Administrative and Financial Matters
7. Consideration and Adoption of UNHCR's Annual Programme Budget for 2003
8. Oversight activities
9. Meetings of the Standing Committee in 2003
10. Consideration of the Provisional Agenda of the Fifty-fourth Session of the Executive Committee
11. Other statements
12. Any other business
13. Adoption of the Report of the Fifty-third Session of the Executive Committee
14. Closure of the Session

E. Opening Statement by the Chairman of the Executive Committee

13. The incoming Chairman of the Committee, His Excellency, Ambassador Fisseha Yimer (Ethiopia) paid tribute to the admirable work and example shown by the outgoing chair, His Excellency, Ambassador Johan Molander (Sweden), for his tireless efforts on issues such as the funding of UNHCR's programmes, and for his courageous leadership on the issue of allegations of sexual exploitation of refugees that had troubled the Committee so profoundly.

14. Concerning his own objectives for the year to come, he put as first priority his intention to follow closely developments in Africa, particularly those where a solution may be in sight that could bring hope to refugee and displaced populations. Also in the African context, he welcomed the partnership being struck between NEPAD and UNHCR, pledging his support to ensuring close cooperation. Another goal to which the Chairman attached great importance was that of building peace in post-conflict situations, referring to several promising peace negotiations underway, including in Africa. He hoped to be able to encourage the attainment of durable solutions through peace-building initiatives. Lastly, he undertook to continue the work begun by the outgoing Bureau to bring greater recognition of the contribution of host countries. A useful start had been made, but more needed to be done.

15. In working towards these various objectives, the Chairman looked forward to working closely with the Committee, including the NGO community whose contribution was greatly valued.

II. WORK OF THE FIFTY-THIRD SESSION

16. The High Commissioner delivered an opening statement as the basis for the general debate. This statement is contained in Annex II.

17. The Committee then heard a statement by the Secretary General of the League of Arab States who expressed the hope that UNHCR and the League would pursue their close relations and further develop their cooperation at a regional level in order to respond to the protection needs of refugees. He spoke of his concerns over the risk of massive displacements that faced the Arab region at this point in time, and urged UNHCR and the Executive Committee to play their role as "guardians of humanitarian principles". He was also dismayed by the repressive tendencies, including deportation and expulsion of asylum-seekers as well as humiliation and indiscriminate accusations of terrorism, affecting many persons of Muslim origin. In order to find lasting solutions in the region, he underlined the need for international support and recognition of complementarity of UNHCR's protection mandate with the relief work being undertaken by UNRWA. He also pointed out that UNHCR's task in dealing with refugee problems was not being met with commensurate resources, and recalled that it was the duty of all to contribute towards finding solutions to prevent the recurrence and exacerbation of situations of displacement.

18. The Executive Director of UNICEF spoke of the close working relationship between her agency and UNHCR, particularly in facing the challenges of protection. She referred to the General Assembly Special Session on Children in May 2002, during which many child participants had called upon world

leaders to provide greater protection for refugee and internally displaced children. A new Agenda, entitled *A World Fit for Children*, would address a number of issues of key child protection concerns. The revision of the UNHCR/UNICEF Memorandum of Understanding now underway would help to identify more specific areas for pooling efforts and ensuring complementarity. The Executive Director went on to point out gaps where displaced children's needs were acute and remained partially or totally unmet. In this respect, she drew attention to the critical role of education in providing a degree of stability for children in the midst of chaos, and in transmitting life-saving messages on issues such as mine-awareness and HIV/AIDS prevention. Another priority area of key concern to all agencies was that of protection from sexual abuse and exploitation, on which there had been a swift inter-agency response.

19. The Chairman's summary of the general debate is contained in Annex III. The full account of the deliberations of the Committee, including the statements or other interventions made by delegations on all the agenda items of the meeting, as well as the closing statements by the Chairman and the High Commissioner, are contained in the summary records of the session.

20. A panel event took place on 2 October 2002 as part of the plenary session. It was moderated by His Excellency, Ambassador Said Djinnit, Interim Commissioner of the African Union, with the participation of the High Commissioner and representatives of the United Nations Economic Commission for Africa, a G8 country (Canada) and the World Economic Forum. The panel served to explore the contribution that the New Partnership for Africa's Development (NEPAD) could make towards finding durable solutions for refugees, returnees and internally displaced persons in Africa.

III. DECISIONS AND CONCLUSIONS OF THE EXECUTIVE COMMITTEE[1]

A. General conclusion on international protection

21. *The Executive Committee,*

Welcoming the contribution of the Global Consultations on International Protection to strengthening the international framework for refugee protection and to equip States better to address the challenges in a spirit of dialogue and cooperation,

Welcoming particularly in this context the Declaration of States Parties adopted during the Ministerial Meeting of States Parties to the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, convened in Geneva on 12 and 13 December 2001, to commemorate the 50th anniversary of the Convention,

Commending UNHCR for the considerable efforts expended to make the Global Consultations process a success,

[1] Decisions adopted by the Standing Committee at inter-sessional meetings in 2002 are listed in Annex I.

Recalling its Conclusion No. 90 (LII) on international protection, which affirmed the intention to pursue, with broadly based participation, follow-up activities stemming from the Global Consultations set out in a joint Executive Committee and UNHCR Agenda for Protection,

(a) *Endorses* the Agenda for Protection contained in document A/AC.96/965/Add.1, flowing from the Global Consultations process, pursuant to the decision of the Standing Committee at its twenty-fourth meeting;

(b) *Recognizes* that the Agenda for Protection is a statement of goals and objectives and an important inventory of recommended actions to reinforce the international protection of refugees, and is intended to guide action by States and UNHCR, together with other United Nations organizations, and other inter-governmental as well as non-governmental organizations;

(c) *Requests* UNHCR to transmit the Agenda for Protection to the General Assembly, as an annex to the report of the fifty-third session of the Executive Committee;

(d) *Requests* UNHCR also to disseminate the Agenda for Protection widely and to engage partners actively in its follow-up, especially by undertaking further discussion with States, including in the Standing Committee framework, to establish priorities for follow-up activities;

(e) *Encourages* all concerned actors to implement those activities calling for their action, and to facilitate the work of and cooperate with UNHCR in carrying out its own follow-up activities;

(f) *Invites* UNHCR and States to seize opportunities to further develop and review elements of the Agenda for Protection, as implementation progresses;

(g) *Invites* States to cooperate with UNHCR in monitoring the progress in the implementation of the Agenda for Protection by all concerned partners;

(h) *Calls* on UNHCR, with the cooperation of States and other actors, to keep the Executive Committee informed, through its Standing Committee, of the progress achieved and initiatives taken to implement the Agenda for Protection.

B. Conclusion on reception of asylum-seekers in the context of individual asylum systems

22. *The Executive Committee,*

Recalling its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence, Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

Welcoming the discussion which took place on reception of asylum-seekers in individual asylum systems in the context of the Global Consultations on International Protection,[2]

Acknowledging the centrality of applicable international human rights law and standards in the development and implementation of reception policies,

Bearing in mind the need to provide a safe and dignified environment for asylum-seekers as well as discourage misuse of asylum systems,

Acknowledging that asylum systems are different, entailing assistance in kind or financial assistance, or a combination of both, as well as involving both governmental and non-governmental actors,

Recognizing that many asylum-seekers are capable of attaining a certain degree of self-reliance if provided with an opportunity to do so,

(a) *Recognizes* the need to establish and apply fair and expeditious asylum procedures, so as to identify promptly those in need of international protection and those who are not, which will avoid protracted periods of uncertainty for the asylum-seeker, discourage misuse of the asylum system and decrease the overall demands on the reception system;

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(i) While there is scope for flexibility in the choice of reception arrangements to be put in place, it is important that the various reception measures respect human dignity and applicable international human rights law and standards;

(ii) Asylum-seekers should have access to the appropriate governmental and non-governmental entities when they require assistance so that their basic support needs, including food, clothing, accommodation, and medical care, as well as respect for their privacy, are met;

(iii) Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,[3] as well as of other vulnerable groups;

(iv) Reception arrangements should allow for the unity of the family as present within the territory, particularly in the context of reception centres;

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[2] EC/GC/02/2 and EC/GC/01/17.

[3] For definition of "torture", see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(v) For the purpose, *inter alia*, of protection against *refoulement*, as well as access to reception arrangements, both male and female asylum-seekers should be registered and be issued appropriate documentation reflecting their status as asylum-seeker, which should remain valid until the final decision is taken on the asylum application;

(vi) The range and scope of relevant social and economic benefits may vary, depending on the nature of the asylum procedure, and the type of reception arrangements in place;

(vii) Reception arrangements can be mutually beneficial where they are premised on the understanding that many asylum-seekers can attain a certain degree of self-reliance, if provided with the requisite opportunities;

(viii) In the context of facilitating cooperation between States and UNHCR, and in accordance with data protection and confidentiality principles, UNHCR should be given access to asylum-seekers in order to exercise its function of international protection, taking into account the well-being of persons entering reception or other refugee centres; and asylum-seekers are entitled to have access to UNHCR;

(ix) Key to the effective operation of any reception arrangement are public opinion favourable to asylum-seekers and refugees and confidence and trust in the asylum system, the promotion of both is an important responsibility to be pursued in tandem with the arrangements themselves;

(c) *Stresses* that responsibility and burden-sharing and the availability of durable solutions promote and strengthen the capacity of host States with limited resources to receive asylum-seekers and to provide adequate reception arrangements, under the supervision of UNHCR;

(d) *Urges* States and UNHCR, in collaboration with other relevant actors, to combat acts of racism, racial discrimination, xenophobia, and related intolerance directed against asylum-seekers and to take appropriate measures to create or enhance harmonious relationships with the local communities, *inter alia*, by promoting respect for asylum-seekers and refugees, by creating awareness of their needs, as well as promoting respect for the local culture, customs and religions among asylum-seekers.

C. Conclusion on the civilian and humanitarian character of asylum

23. *The Executive Committee,*

Remaining seriously concerned by the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration and presence of armed elements in refugee camps and settlements,[4]

Recalling the relevant provisions of international refugee law, international human rights law and international humanitarian law,

Recalling its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

Recalling also United Nations Security Council resolution S/RES/1208 (1998) and S/RES/1296 (2000), and the two reports of the United Nations Secretary-General on the Protection of Civilians in Armed Conflict[5], *noting* in particular the recommendations made therein with respect to enhancing the security of refugee camps and settlements,

Welcoming the discussion which took place on the civilian character of asylum in the context of the Global Consultations on International Protection,[6]

Noting that several international meetings have recently been held, aimed at identifying effective operational strategies for maintaining the civilian and humanitarian character of asylum,[7]

Reiterating that refugee camps and settlements should have an exclusively civilian and humanitarian character, that the grant of asylum is a peaceful and humanitarian act which should not be regarded as unfriendly by another State, as stated in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and a number of Executive Committee conclusions, and that all actors, including refugees themselves, have the obligation to cooperate in ensuring the peaceful and humanitarian character of refugee camps and settlements,

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[4] For the purpose of this Conclusion, the term "armed elements" is used as a generic term in a refugee context that refers to combatants as well as civilians carrying weapons. Similarly, for the purpose of this Conclusion, the term "combatants" covers persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum.

[5] S/1999/957;S/2001/331.

[6] EC/GC/01/8/Rev.1.

[7] Workshop on the Potential of International Police in Refugee Camp Security (Ottawa, Canada, March 2001); Regional Symposium on Maintaining the Civilian and Humanitarian Character of Refugee Status, Camps and other locations (Pretoria, South Africa, February 2001); International Seminar on Exploring the Role of the Military in Refugee Camp Security (Oxford, UK, July 2001).

Recognizing that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

Recognizing the special protection needs of refugee children and adolescents who, especially when living in camps where refugees are mixed with armed elements, are particularly vulnerable to recruitment by government armed forces or organized *armed groups*,

Reaffirming the importance of States, UNHCR and other relevant actors, integrating safety and security concerns from the outset of a refugee emergency into refugee camp management in a holistic manner,

(a) *Acknowledges* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum by, *inter alia*, making all efforts to locate refugee camps and settlements at a reasonable distance from the border, maintaining law and order, curtailing the flow of arms into refugee camps and settlements, preventing their use for the internment of prisoners of war, as well as through the disarmament of armed elements and the identification, separation and internment of combatants;

(b) *Urges* refugee-hosting States to respect the civilian and humanitarian character of refugee camps by preventing their use for purposes which are incompatible with their civilian character;

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(i) Respect for the right to seek asylum, and for the fundamental principle of *non-refoulement*, should be maintained at all times;

(ii) Measures for the disarmament of armed elements and the identification, separation and internment of combatants should be taken as early as possible, preferably at the point of entry or at the first reception/transit centres for new arrivals;

(iii) To facilitate early identification and separation of combatants, registration of new arrivals should be conducted by means of a careful screening process;

(iv) Refugee camps and settlements should benefit from adequate security arrangements to deter infiltration by armed elements and the strengthening of law and order;

(v) Once identified, disarmed and separated from the refugee population, combatants should be interned at a safe location from the border;

(vi) Where the granting of refugee status is based on group determination, civilian family members of combatants should be treated as refugees and should not be interned together with them;

(vii) Combatants should not be considered as asylum-seekers until the authorities have established within a reasonable timeframe that they have genuinely and permanently renounced military activities, once this has been established, special procedures should be put in place for individual refugee status determination, to ensure that those seeking asylum fulfil the criteria for the recognition of refugee status, during the refugee status determination process, utmost attention should be paid to article 1F of the 1951 Convention, in order to avoid abuse of the asylum system by those who do not deserve international protection;

(viii) Former child soldiers should benefit from special protection and assistance measures, in particular as regards their demobilization and rehabilitation;

(ix) Where necessary, host States should develop, with assistance from UNHCR, operational guidelines in the context of group determination to exclude those individuals who are not deserving of international refugee protection;

(d) *Further* to para (b) above, *calls* upon UNHCR to convene a meeting of experts in support of the elaboration of measures for the disarmament of armed elements and the identification, separation, and internment of combatants, including the clarification of relevant procedures and standards, in consultation with States, United Nations Secretariat entities and agencies, and interested organizations, such as the ICRC, and report back to the Executive Committee on progress achieved;

(e) *Calls* upon States to ensure that measures are taken to prevent the recruitment of refugees by government armed forces or organized armed groups, in particular of children, taking into account also that unaccompanied and separated children are even more vulnerable to recruitment than other children;

(f) *Calls upon* the relevant United Nations organs and regional organizations, in pursuance of their respective mandates, as well as the international community at large, to mobilize adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, in line with the principles of international solidarity, co-operation, burden and responsibility sharing;

(g) *Calls* upon UNHCR and the Department of Peacekeeping Operations of the United Nations Secretariat to enhance collaboration on all aspects of this complex matter, and as appropriate, to deploy, with the consent of host States, multi-disciplinary assessment teams to an emerging crisis area in

order to clarify the situation on the ground, evaluate security threats for refugee populations and consider appropriate practical responses;

(h) *Calls* upon UNHCR to explore how it may develop, in consultation with relevant partners, its own institutional capacity to address insecurity in refugee camps, *inter alia* by assisting States to ensure the physical safety and dignity of refugees, building, as appropriate, upon its protection and operational expertise.

D. Decision on contributions of host countries

24. *The Executive Committee,*

Reaffirming the importance of international solidarity and burden and responsibility-sharing as a fundamental principle on which international action to protect and assist refugees is based,

Recognizing in this context the essential role of donors in providing financial and other support and that of hosting countries, particularly developing countries, in providing asylum and participating in efforts to seek durable solutions,

Acknowledging that the presence of refugees represents a considerable burden on the resources and infrastructure of host countries, particularly developing countries, especially in mass influx and protracted situations,

Recognizing that the contributions of host developing countries in meeting these burdens deserves to be acknowledged more comprehensively and systematically,

(a) *Welcomes* the efforts undertaken by UNHCR in cooperation with members of the Executive Committee to draw attention to these contributions, and to determine suitable criteria on which to base references to contributions of host countries;

(b) *Recommends* that the work programme of the Standing Committee should include an item allowing in-depth discussion of statistics issued annually by UNHCR, and that regular updates on latest flows of refugees be provided for the information of the Standing Committee as part of its deliberations on contributions of host developing countries;

(c) *Recommends* further that clear references to contributions of host countries be included systematically in UNHCR's Annual Programme and Budget, Global Report, Global Appeal and other relevant documents;

(d) *Requests* UNHCR to give adequate visibility to host countries in statements and presentations, and to encourage increased support in various forms from the international community to these countries;

(e) *Recommends* that the work undertaken by the Standing Committee be continued with a view to further defining criteria as basis for references to contributions by host developing countries and to assist them in overcoming the socio-economic repercussions they face, particularly in protracted situations.

E. Decision on funding mechanisms

25. *The Executive Committee,*

Recalling the discussions of the Standing Committee in application of the decision reached at its twenty-first meeting[8], following the "Action 3" initiative launched by the High Commissioner in 2001,

Recalling also the decisions adopted by the Standing Committee under the item on programme and funding at its 23rd and 24th meetings[9],

Recognizing the efforts deployed by UNHCR to ensure a more efficient use of the resources provided to it, and emphasizing the need to pursue these efforts,

Reaffirming its concern over the continued pattern of under-funding of the protection and assistance programmes on behalf of refugees and other persons of concern to UNHCR, and its repercussions on the beneficiaries of such programmes,

Recognizing that some progress has been achieved in response to the High Commissioner's appeals to donors in terms of early announcement of contributions and limited earmarking, but that more needs to be done to ensure full funding of UNHCR's programmes,

Acknowledging that meeting the challenge of ensuring adequate funding is a process requiring a strategic approach as well as a sustained commitment on the part of UNHCR and members of the Executive Committee,

Acknowledging further the importance of ensuring that the burden borne by developing host countries is properly recognized in parallel with cash contributions,

Welcoming the consideration given by the Standing Committee to complementary funding sources to help achieve durable solutions notably with respect to voluntary repatriation and reintegration as well as local integration where feasible,

(a) *Reaffirms* its support for UNHCR's ongoing efforts to broaden and diversify its donor basis, aimed at fully funding its budget, through soliciting new or additional contributions from governments and through seeking to attract funds from the private sector, including civil society and the corporate sector, and encourages UNHCR to pursue these efforts, and regularly inform the Executive Committee of progress made;

(b) *Welcomes* the early and regular involvement of members of the Executive Committee in formulating and reviewing UNHCR's annual programme budgets and setting priorities to meet the protection and assistance needs of refugees and other persons of concern to UNHCR;

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[8] A/AC.96/956, Annex I/A.
[9] A/AC.96/960, Annex; A/AC.96/969, Annex.

(c) *Requests* the High Commissioner in his financial reports to the Standing Committee to inform it of reductions to the budget both in financial terms and in terms of the programme activities that have been eliminated or reduced, so that the Standing Committee members may fully understand the context of the reductions and their impact on programmes as well as on refugee well-being in the field;

(d) *Pledges* its support for efforts to obtain funding from the United Nations Regular Budget, in accordance with the statutory provisions;

(e) *Recommends* that further consideration be given to the possibility of developing innovative approaches to financing UNHCR's budget, aimed at increasing the predictability of funding and at broadening the donor base, recognizing the value of the voluntary nature of contributions;

(f) *Recommends* that the examination of complementary sources for funding should be further pursued by the Standing Committee and that this work should focus among others issues on UNHCR's catalytic role and use of strategic partnerships.

F. General decision on administrative, financial and programme matters

26. *The Executive Committee,*

(a) *Confirms* that the activities proposed under the Annual Programme Budget for the year 2003 as set out in document A/AC.96/964 have been found, on review, to be consistent with the Statute of the Office of the High Commissioner (General Assembly Resolution 428 (V)), the High Commissioner's "Good Offices" functions as recognized, promoted or requested by the General Assembly, the Security Council, or the Secretary-General, and the relevant provisions of the *Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees;*[10]

(b) *Notes* that the proposed 2003 Annual Programme Budget, on an exceptional basis for 2003, does not include the full budgetary provisions for assistance to Afghans in Afghanistan and other countries, as the full requirements for this operation are not known at this stage, pending further consultations with relevant partners, especially the Government of Afghanistan and UNAMA; the assessment of these needs will be completed before the end of the year and resources required are expected to be in the range from $150 to $175 million;[11] and further *notes* that the High Commissioner will submit these further budgetary needs to the Executive Committee for its consideration as soon as possible in 2002;

(c) *Requests* UNHCR to apply in the future the usual procedures and, accordingly, to integrate in 2004 the operations in favour of Afghans in Afghanistan and other countries in the Annual Programme Budget;

(d) *Approves* the programmes and budgets for Regional Programmes, Global Programmes and Headquarters under the 2003 Annual Programme Budget,

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[10] A/AC.96/503/Rev.7.

[11] See Report of ACABQ, A/AC.96/964/Add.1, para. 6.

amounting to $809,081,600, including an Operational Reserve of $73,552,900 (representing 10 per cent of programmed activities), all of which are detailed in the Table I.3, which together with the United Nations Regular Budget contribution of $20,218,000 and provisions for Junior Professional Officers ($7 million) bring total requirements in 2003 to $836,299,600; and *authorizes* the High Commissioner within this total appropriation, to effect adjustments in Regional Programmes, Global Programmes and the Headquarters budgets;

(e) *Approves* the revised Annual Programme Budget for the year 2002 amounting to $ 801,683,100, which together with the United Nations Regular Budget contribution of $20,135,400 and provisions for Junior Professional Officers of $7 million as well as the needs under Supplementary Programmes in 2002 of $ 201,525,400, bring total requirements in 2002 to $1,030,343,900 (Table I.3);

(f) *Notes* the *Report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2001* (A/AC.96/963), and the High Commissioner's *Follow-up Actions to the Board of Auditors Report* (A/AC.96/963/Add.1); as well as the *Report of the ACABQ on UNHCR's Annual Programme Budget for the year 2003* (A/AC.96/964/Add.1), the *Report of the High Commissioner on Oversight Activities* (A/AC.96/966), and *requests* to be kept regularly informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

(g) *Requests* the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under the Annual Programme Budget for the year 2003, and *authorizes* him, in the case of additional new emergency needs that cannot be met fully from the Operational Reserve, to create Supplementary Programmes and issue Special Appeals;

(h) *Acknowledges* with appreciation the burden that continues to be shouldered by developing countries hosting refugees and *urges* Member States to recognize their valuable contribution to the protection of refugees and to participating in efforts to promote durable solutions;

(i) *Urges* Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of solidarity, and in a timely manner, to his appeal for resources to meet in full the approved 2003 Annual Programme Budget; and to explore future ways to ensure that the Office is resourced in a better and more predictable manner, while limiting earmarking to a minimum level, particularly in the second half of the year.

G. Decision on the programme of work of the Standing Committee in 2003

27. *The Executive Committee,*

Having reviewed the issues before it at its fifty-third session, including its general debate based on the High Commissioner's statement and the work undertaken by the Standing Committee during the year, and having in mind the decisions and conclusions of its fifty-third session,

(a) *Decides* to adopt as the framework for the programme of work of the Standing Committee in 2003 the following items: international protection; programme/protection policy; programme and funding; governance; coordination; and management, financial, oversight and human resources;

(b) *Requests that member States review, at the Planning Meeting scheduled* for December 2002, specific proposals for inclusion in the work programme for 2003, taking into consideration the calendar noted by the Planning Meeting in 2001, with a view to submitting their agreed work programme to the first Standing Committee in 2003 for formal adoption; and *requests* that member States bear in mind the desirability of scheduling items over a biennial or longer period;

(c) *Requests* that UNHCR include in its documentation on relevant items the audit and ACABQ recommendations as well as steps taken to implement those recommendations and related Executive Committee decisions and conclusions;

(d) *Authorizes* the Standing Committee to add and to delete items, as appropriate, to its inter-sessional programme of work;

(e) *Decides* to convene no more than three meetings of the Standing Committee in 2003 to be held in February/March, June/July and prior to the fifty-fourth plenary session of the Executive Committee;

(f) *Calls on* the Standing Committee to report on its work to the fifty-fourth session of the Executive Committee;

(g) *Calls upon* its members to continue efforts to ensure that the Executive Committee is a forum for substantive and interactive debate, and provides guidance that can be implemented by UNHCR within its given mandate.

H. Decision on the provisional agenda of the fifty-fourth session of the Executive Committee

28. *The Executive Committee,*

Decides to adopt the following provisional agenda for the fifty-fourth session of the Executive Committee:

1. Opening of the session
2. Election of officers
3. Adoption of the agenda and other organizational matters
4. Annual theme
5. Reports on the work of the Standing Committee as they relate to:
   (i) international protection; and
   (ii) programme, administrative and financial matters
6. Consideration and adoption of the Annual Programme Budget
7. Reports relating to evaluation and inspection
8. Meetings of the Standing Committee in 2004

9. Consideration of the provisional agenda of the fifty-fifth session of the Executive Committee

10. Any other business

11. Adoption of the draft report of the fifty-fourth session of the Executive Committee

12. Closing of the session

I. Decision on observer participation in meetings of the Standing Committee in 2002-2003

29. *The Executive Committee,*

(a) *Approves* applications by the following Government observer delegations for participation in meetings of the Standing Committee from October 2002 to October 2003:

Armenia, Azerbaijan, Bolivia, Congo, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Estonia, Gabon, Ghana, Kenya, Latvia, Libyan Arab Jamahiriya, Lithuania, Nepal, Portugal, Romania, Rwanda, San Marino, Saudi Arabia, Slovakia, Slovenia, Sri Lanka Swaziland, and Zambia.

(b) *Authorizes* the Standing Committee to decide upon any additional applications from Government observer delegations to participate in its meetings during the aforementioned period;

(c) *Approves* the following list of intergovernmental and international organizations to be invited by the High Commissioner to participate as observers in relevant meetings of its Standing Committee from October 2002 to October 2003:

United Nations specialized agencies, departments, funds and programmes, European Commission, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Sovereign Order of Malta, Executive Secretariat of the Commonwealth of Independent States, League of Arab States, African Union, Organization of the Islamic Conference, Council of Europe, International Organization for Migration, Economic Community of Central African States, Southern African Development Community, Intergovernmental Authority on Development, Economic Community of West African States.

ANNEX I

Decisions and conclusions adopted by the Standing Committee in 2002

In accordance with the authority vested in it by the Executive Committee, the Standing Committee in 2002 adopted a number of decisions on matters included in its programme of work. The texts of these decisions are annexed to the reports of Standing Committee meetings as follows:

A/AC.96/960: Report of the Twenty-third meeting of the Standing Committee (5 - 7 March 2002)

- Decision on overall programme and funding in 2001 and projections for 2002

A/AC.96/969: Report of the twenty-fourth meeting of the Standing Committee (24 - 26 June 2002)

- Decision on overall programme and funding projections for 2002

ANNEX II

A. Opening Statement by Mr. Ruud Lubbers
United Nations High Commissioner for Refugees

(Geneva, 30 September 2002)

Mr. Chairman,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

Welcome to the 53rd session of the Executive Committee, and a special welcome to the four new members, Ecuador, Guinea, New Zealand and Yugoslavia. I would like to congratulate the incoming Bureau and its Chairman, Ambassador Fisseha Yimer of Ethiopia. I would also like to express my appreciation to outgoing Chairman, Ambassador Molander of Sweden, and to thank him for all his support over the last year.

It is an honour for me to introduce two special guests who will be addressing the Committee this morning - Amre Moussa, Secretary-General of the League of Arab States, and Carol Bellamy, Executive Director of UNICEF. Allow me to also take this opportunity to welcome the new UN High Commissioner for Human Rights, Sergio Vieira de Mello, who has joined us in the room today. Sergio is well known to many of you as a colleague and friend, and we in UNHCR look forward to strengthening our ties with his Office in the years ahead.

Return and reintegration

Ladies and Gentlemen,

The total number of people of concern to UNHCR dropped from 21.8 million in December 2000 to 19.8 million in December 2001. This overall decrease of two million shows that durable solutions are being found. Despite some new emergencies, this positive trend has continued this year, with successful returns in a number of countries.

This is encouraging news, for as you know, the search for durable solutions remains a top priority of my Office. But we should not be complacent. The challenge now is to ensure the effective reintegration of those going home. Without this, returns may not be sustainable and the whole cycle of instability and displacement may once again begin.

As I mentioned at the Standing Committee meeting in June, in post conflict situations there is a need for a much more integrated approach to what I call the "4-Rs" - Repatriation, Reintegration, Rehabilitation and Reconstruction. Likewise, in countries hosting large refugee populations, more needs to be done to empower refugees, so that they can become self reliant and make positive contributions to the local society and economy. I have therefore advocated a

new approach: "Development through Local Integration" (DLI). We have been working in close partnership with UNDP, the World Bank and other agencies - particularly UNICEF and WFP - on ways of putting these concepts into practice.

In Afghanistan, over 2 million people have gone home since March, including some 1.7 million refugees. It is a remarkable testimony to the Afghans' confidence in the new regime, and to their optimism about the future. I commend all those who have supported this operation, particularly the new Afghan authorities working under the leadership of President Karzai, and the governments of the Islamic Republic of Iran and Pakistan.

But while the achievements in Afghanistan are staggering, huge tasks lie ahead. Security problems still hamper returns in some areas. I remain deeply concerned about the ill-treatment of some Pashtun minorities in parts of the north. The rehabilitation and reconstruction process must be accelerated if those who have gone home are to stay, and if more are to follow. We must therefore shift our focus now from return to reintegration. I am sure that Mr. Nazeri, the Afghan Minister of Repatriation, who will address this plenary session later today, will have more to say on this.

In Africa too, many refugees have been given new hope during the last year. After decades of bitter conflict, the peace process in Angola has brought renewed optimism that many refugees and internally displaced persons will soon be able to go home. In the Horn of Africa, most Eritrean refugees in the Sudan have now gone home. After having assisted them for more than three decades, UNHCR will apply the cessation clause at the end of this year. In Sierra Leone, a successful peace process including the disarmament of former combatants has led to the return of some 190,000 refugees since last September. Here again, our challenge now is to ensure their sustainable reintegration in a country devastated by more than a decade of war and instability.

In the Democratic Republic of the Congo, foreign troops have started withdrawing. We are following this process closely. If the inter-Congolese dialogue succeeds, it may eventually pave the way for the return of almost 400,000 Congolese refugees from neighbouring countries.

The New Partnership for Africa's Development (NEPAD) explicitly mentions refugees and durable solutions in its agenda. This is indeed encouraging. I am convinced that NEPAD offers a fresh opportunity to address refugee problems in Africa. Without solutions for refugees, there is little chance for peace and development in Africa. During the UN General Assembly Special Session on NEPAD in New York earlier this month, I called for a broad-based partnership of governments, humanitarian and development agencies to help bridge the gap between emergency relief and development assistance in Africa. This received a positive response from African delegations, and my Office will work closely with the NEPAD Secretariat and donor governments to examine ways to translate this into concrete plans. There will be an opportunity for further discussion of this at the Panel Discussion on NEPAD on Wednesday.

Turning to the Balkans, just a few years ago it seemed UNHCR would never leave this region. But we persisted, and there have been many positive developments. We now expect that by the end of next year, solutions will have been found for the majority of those displaced by the conflicts in Bosnia and Herzegovina and

Croatia - either by returning home or by settling in their new country. The region still faces many challenges, but it is time to allow the Stability Pact and other regional mechanisms to take the lead in addressing these. My Office is therefore phasing out its activities in South-Eastern Europe. This will help free up scarce resources for use elsewhere in the world - particularly Africa.

In Asia, too, there have been positive developments. In East Timor, together with our partners, we have facilitated the return of over 220,000 refugees, and we are continuing to work with the Indonesian authorities on local settlement projects for those not willing to return. I will apply the cessation clause for East Timorese refugees as of 1 January 2003. In Sri Lanka there are also hopeful signs that a long and bitter conflict may finally be ending. Since the cease-fire agreement in February, over 180,000 internally displaced people have spontaneously returned to their villages. These returnee movements have reinforced the momentum towards peace. We need to seize this long-awaited opportunity.

Ongoing challenges

Ladies and Gentlemen,

Despite all the progress in finding lasting solutions, we face many ongoing challenges. In Uganda, we have once again witnessed the appalling sight of refugee settlements being attacked by armed elements. In Rwanda, I remain concerned about the imposed return of Congolese refugees, and I have taken this up with the Rwandan government.

Liberia is once again in turmoil. Over 70,000 Liberians have fled to Guinea, Côte d'Ivoire and Sierra Leone since the beginning of the year, adding to the huge number of Liberians already displaced. Armed groups have targeted not only civilians, including refugees and internally displaced people, but also humanitarian staff. Five Liberian nurses working for a UNHCR implementing partner were recently held hostage for over two months. They were finally released after UNHCR's intervention. Efforts to find a political solution to the crisis are vital, if we are to prevent further displacement and possible destabilization of the entire region. Recent events in Côte d'Ivoire are another reminder of the fragile situation in West Africa.

In West Africa, we have taken a series of remedial and preventive actions to strengthen the protection of refugee women and children against the threat of sexual exploitation and abuse. We have also actively contributed to the development of the IASC Plan of Action. The final report of the UN Office of Internal Oversight Services on the issue of sexual exploitation in West Africa has been presented to the Secretary-General, and will be released soon. The impression given by the consultants' draft report of widespread sexual exploitation by aid workers, and the many generalizations made in that report, have unfairly tarnished the reputation and credibility of our staff. Having said this, the issue of sexual exploitation is very real, as we suspected when we commissioned the report. As I have said all along, even one case is one too many. Indeed, we must continue to ensure a policy of zero-tolerance. It is good that there is now much more awareness of this issue. This heightened global awareness has given UNHCR and its humanitarian partners an opportunity to take a co-ordinated and comprehensive approach in dealing with sexual exploitation and abuse not only in Africa, but globally.

On Colombia, I would like to thank Ambassador Molander for helping to draw international attention to the situation during his visit there in February. With over two million internally displaced people and an increasing number of asylum seekers in neighbouring countries, UNHCR continues to face enormous challenges there. I hope that I will be able to build on Ambassador Molander's work when I visit Colombia next month.
Following the events of September 11, and in response to the growing problem of human trafficking and smuggling, a number of States have strengthened measures to combat illegal migration and the misuse of asylum systems. While UNHCR supports measures to combat misuse of asylum systems, I am concerned that in some cases indiscriminate measures have led to non-admission, denial of access to asylum procedures, and even incidents of refoulement.

I am particularly concerned about the problem of detention of asylum seekers. While many States have been able to manage their asylum systems without detentions, a more general trend towards increased use of detention - often on a discriminatory basis - is worrying. I am also concerned that some parts of the media and a number of politicians have continued to demonize asylum seekers and refugees, particularly during election campaigns. This has further undermined public support for their reception.

Ladies and Gentlemen,

Let me now turn to internal management issues. First of all, I would like to pay tribute to Maureen Connelly, my Inspector General, who will soon be retiring after a distinguished career with the organization. In her place, I have appointed Dennis McNamara, who is well known to many of you as our previous Director of the Department of International Protection, after which he served as Deputy Special Representative of the Secretary-General first in Kosovo and then in East Timor.

I have asked Dennis to review the structure and priorities of the Inspector General's Office, both internally and through discussions with governments and NGOs. This review may include an assessment of some regional or sub-regional refugee situations, with a focus on protection and solutions. It will also assess how UNHCR might benefit more from the expertise and capacity of others. The Evaluation and Policy Analysis Unit will assist in this.

Following the departure in April of the Controller, Gunilla Hesselmark, I divided the Division of Resource Management into two divisions: one focussing on the management of financial resources, and the other on human resources. As Controller and Director of the newly created Division of Financial and Supply Management, I have appointed Saburo Takizawa, previously the Controller at UNIDO. I am counting on him to exercise strong leadership in sharpening UNHCR's fiscal discipline. As Director of the re-created Division of Human Resources Management, I have appointed Werner Blatter, previously our Regional Co-ordinator for South-Eastern Europe, who I have asked to focus on austerity and performance in personnel management.

I have also strengthened some sections at Headquarters, to enhance our protection and durable solutions work. In the Department of International Protection, I have established a new Protection Information Section, which will provide information on countries of origin and which will assume some of the functions previously carried out by the Centre for Documentation and Research.

In line with my aim of enhancing resettlement not only as a tool of international protection but also as a durable solution, I have engaged a senior consultant to assist the Resettlement Section in ensuring an effective bridge between policy development at Headquarters and implementation in the field. In the Division of Operational Support, I have established a dedicated "Project Profile" team, to work on the development of new procedures, guidelines and technology systems for registration. Improving and modernizing our registration systems remains one of my top priorities.

Earlier this year I set up a Task Force to review UNHCR partnerships - a vital aspect of all our activities. Work has now begun on systematic follow-up to the various recommendations that were made. We are continuing our efforts to revitalize our links with traditional partners in the UN such as UNICEF and WFP, as well as other partners such as ICRC, and to contribute positively to co-ordination mechanisms through OCHA and the IASC. We are also working to strengthen our links with other UN agencies, NGOs, development actors, human rights groups, and regional organizations such as the newly created African Union. The presence of the Secretary-General of the League of Arab States here today is further evidence of our eagerness to build new partnerships and to strengthen existing ones.

Transforming the management culture

Ladies and Gentlemen,

I welcome the Secretary-General's recent report on UN reform, with its emphasis on transforming the Organization's management culture - traditionally hierarchical and rigid - to one that stimulates new ideas and the vigorous exchange of ideas, irrespective of grade, seniority and tenure. My decision to re-create a separate Division for Human Resources Management reflects my own commitment to improve staff management in UNHCR.

There are a number of key issues that need to be addressed by this new Division. First, we need new blood in the organization. We must recruit more young professionals, and at the same time improve the gender balance and geographical diversity.

Second, we must ensure quality performance. Our staff are there to serve the refugee cause; UNHCR is not there to serve its staff. Not all staff currently working for the organization should be retained indefinitely. We therefore need to reassess our existing policy of granting indefinite contracts. Pending this assessment, I have ordered a freeze.

Third, we need better management of the phenomenon of staff-in-between-assignments. In an organization with duty stations around the world and a strict rotation policy, there will always be a number of people between jobs. This is understandable; but unless the system is managed carefully, it can lead to considerable waste and inefficiency. Rotation is one of the strengths of the organization, and it must be preserved. At the same time, we must find ways to ensure more cost effectiveness in our human resource policies. As a first step in dealing with this issue, I recently issued new instructions aimed at avoiding situations where staff members remain without an assignment for a protracted period. All those who are not formally assigned to a post should be

deployed on short-term missions or given temporary assignments. I will not tolerate situations where staff remain idle, even if it is only a limited number.

Our staff are our most valuable asset. We must invest in them, motivate them, and treat them with the respect that they deserve. At the same time, we must not shy away from difficult decisions. I am committed to introducing the necessary improvements, in line with the UN Staff Rules and Regulations and in close consultation with the Staff Council and the various joint staff-management bodies.

The new UNHCR Code of Conduct was recently finalized. The Code is intended to guide staff members in their work, and to assist them in dealing with the difficult ethical and moral dilemmas with which they are often confronted. It explains and reinforces the standards of conduct that we are all expected to adhere to under the UN Charter and the Staff Regulations and Rules. It reminds staff that their effectiveness depends on their ability to uphold the highest standards of ethical and professional conduct at all times. Since UNHCR staff often find themselves in positions of power in relation to refugees and other persons of concern, the Code is also meant to help staff to recognize and avoid any behaviour which may be considered abusive or exploitative.

On 4 September, together with the Chairman of the UNHCR Staff Council, I personally signed the Code, as did the members of my Senior Management Committee. This demonstration of commitment at the highest level is intended to send a message about the importance we place in this document. Between now and early next year all staff will be asked to sign the Code. Managers have been informed that they have a particular responsibility to make sure that those who answer to them are familiar with the Code and honour it. They are also responsible for ensuring that our beneficiaries and partners know about it.

Funding

Ladies and Gentlemen,

Let me now turn briefly to our current funding situation. First of all, I would like to thank donors for their support for the Supplementary Programme in Afghanistan. We are now US$ 23 million short of our target of US$ 271 million for this programme. I am counting on your continued support to reach this target. I am also grateful to donors for their positive response to the Emergency Appeal for Liberian refugees.

In addition to the US$ 23 million shortfall for Afghanistan, we still need to receive around US$ 80 million for the Annual Programme Budget. For much of this, positive indications of contributions have already been received, but this has not yet been the case for some US$ 25 million of this. I would therefore like to make a plea for promises to be translated into cash as soon as possible, and for you to go the extra mile to cover the US$ 25 million shortfall.

As we enter the fourth quarter, I am obliged to take additional steps to address this shortfall by reducing the obligation levels. This will entail reductions in staff administrative costs, procurement and operational expenditure. Since we already reduced the 2002 budget by US$ 86 million in the

middle of this year as a result of the difficult financial situation, these additional reductions will have further severe consequences for refugees. Details of the impact of earlier budgetary reductions are described in a note which I sent out on 23 September.

Administrative support costs for the implementation of programmes funded under the Supplementary Budget are significant. Since they are not foreseen in the Annual Budget, they represent a kind of subsidy from the Annual Budget programmes to the Supplementary Budget programmes. To address this, we are considering the possibility of attributing a small percentage of Supplementary Budget contributions to the Annual Budget. We will be consulting you further on this.

For 2003, I hope our efforts to broaden our funding base through complementary sources of funding will bring further results. Together with UNDP, the World Bank and other partners, we will continue to look into ways of gaining greater access to development funds for reintegration activities and programmes aimed at promoting self-reliance among refugees. I have appointed a senior staff member to co-ordinate our work on identifying complementary sources of funding, and a consultant to promote the funding of "4-Rs" and "DLI". We will also continue to step up our private sector fundraising activities. We have already seen much progress in this area. For example, the private sector has been the tenth largest contributor to the Afghan Supplementary Programme.

For future large-scale emergencies, I remain concerned about the lack of flexibility in our current financial system. One of the key components for emergency preparedness is the availability of up-front financial resources. Fund-raising for that takes time. In the past, UNHCR had a special "Emergency Fund" for this purpose. This was later subsumed under the overall Programme Reserve. What shall we do?

Implementing the Agenda for Protection

Ladies and Gentlemen,

This session of the Executive Committee is expected to endorse the Agenda for Protection. Together with the Ministerial Declaration of December last year, this is one of the most important outcomes of the Global Consultations process.

I see the Agenda as a synthesis of UNHCR's protection mandate, carefully defined in relation to the specific challenges of today's world. As you know, the three main themes of the Agenda are the need for better protection, more durable solutions, and improved burden sharing.

The time has now come for action. We all know that the Agenda is not a legally binding instrument. It is not law. But neither should it simply be seen as a wish list. It represents a broad consensus on issues where action is needed. I have already asked senior managers to ensure that the Agenda informs their priorities and planning for 2003 and beyond. Indeed, the 2003 budget and its stated objectives already contain much to further the Agenda.

But protection work today demands new tools, as well as new multilateral commitments to ensure burden sharing and durable solutions. This requires new strategies, new thinking and new partnerships. We must build on the Global Consultations process by enhancing international co-operation and burden sharing.

Only a few years ago, a number of governments were questioning the continuing relevance of the 1951 Refugee Convention. In light of this, it is significant that there was such unanimous reaffirmation of the centrality and validity of the Convention at last December's Ministerial Meeting here in Geneva. But having said this, it has become clear that on its own the Convention does not suffice. To ignore this is to fundamentally misinterpret the outcome of the Ministerial Meeting. What is needed is a new approach, which I call the "Convention Plus". By that I mean supplementing the Convention in areas that it does not adequately cover.

The "Plus" concerns special agreements for improved burden sharing, with countries in the North and South working together to find durable solutions for refugees. It concerns comprehensive plans of action in cases of massive outflows. It concerns agreements on "secondary movements", defining the roles and responsibilities of countries of origin, transit, and potential destination. It concerns better targeting of development assistance in regions of origin, helping refugee hosting countries to facilitate local integration, and enhancing post-conflict reintegration. And it concerns multilateral commitments for resettlement.

I will circulate to this meeting a paper providing details on the "Forum" that I intend to establish. Such a Forum, consisting of a group of experts, could provide a useful framework for the multilateral development of special agreements. It would report to each session of the Standing Committee, and yearly to the Executive Committee on progress made.

The "UNHCR 2004" process

Ladies and Gentlemen,

In the Secretary-General's new report on UN reform, he stresses that the need for a strong multilateral institution has never been more acutely felt than it is today, in the era of globalization. This is true for the UN as a whole. It is equally true for UNHCR.

With this in mind, one year ago I initiated the "UNHCR 2004" process. This process is specifically about strengthening UNHCR as a multilateral institution. It involves a review of the Office's capacity to carry out its mandate. The idea is to report on this before 2004, when UNHCR's current mandate comes up for renewal, with the aim of implementing it in the next term.

The process has been carried forward by a small team working under my direction. Over the last year, the team has produced various interim reports and recommendations. These deal with the evolution of UNHCRs governance structure, its position within the UN system, funding mechanisms, and the nexus

between asylum and migration. The team also looked at ways of better positioning the Office to respond to the challenges of modernity, and how best to achieve the goals and objectives set out in the Agenda for Protection.

A resolution to extend UNHCR's mandate for another five years, beginning on 1 January 2004, will be presented to the General Assembly in the coming weeks. In this resolution, I will be called upon to present a report to the General Assembly when it meets next year.

Our work is being conducted in a phased manner. Phase I of this process entailed research work and the drawing up of initial options and recommendations by the "UNHCR 2004" team. Phase II is just beginning. This involves close consultation with managers throughout the organization to formulate specific proposals, and to ensure collective ownership. Phase III will begin early next year, and will involve further consultations, particularly with the Executive Committee, leading to the presentation of my report to the General Assembly.
In clarifying my vision for UNHCR's future, the first aspect concerns the governance structure of UNHCR and ways of enabling it to grow gradually into a truly multilateral organization. If we succeed in developing credible special agreements on burden sharing and durable solutions, it could be possible to convince more and more countries to accede to the Convention. Thus renewed efforts to get States to accede to the Convention go hand in hand with special agreements on burden sharing and durable solutions. Refugee movements have become a globalized phenomenon, and therefore states from all regions should participate in addressing the issue. If successful, today's limited "coalition of the willing" can grow into a real World Refugee Assembly.

In parallel, there is a need to address the issue of UNHCR's position within the UN system. Currently, UNHCR is boxed in as a purely "humanitarian" agency. Yet UNHCR's work also relates to prevention, conflict resolution, peace building and development. To achieve durable solutions in accordance with UNHCR's mandate, requires close co-operation and strengthened partnerships with the UN's development actors, the Bretton Woods institutions and the peace and security pillars of the UN.

Another specific issue on which I have already tried to provide greater clarity regards our work with internally displaced persons. We have provided Kenzo Oshima's Office and the Secretary-General with a detailed list of those internally displaced persons whom we consider to be of concern to UNHCR, and we look forward to further dialogue with our partners on this matter. I have shared with you a note on this.

To be a truly multilateral institution, UNHCR also needs a broader financial basis, so that it can respond effectively to the demands being placed on it by the international community. Time and again, we speak about predictability. But how can we make progress on this? The original decision made in 1950, as reflected in UNHCR's Statute, was that administrative expenses should be covered from the assessed contributions of the UN Regular Budget, and that operations should be funded on a voluntary basis. I consider this to have been a wise decision. However, since then the reality has been different. We currently receive some US$ 20 million from the UN Regular Budget, whereas some

US$ 250 million - or 30 percent of the whole annual budget - might be considered expenses related to administration, according to standard UN definitions.

At an appropriate moment, I will share with the Executive Committee an initial study carried out by the "UNHCR 2004" team, explaining the rationale for combining voluntary contributions and "base line" contributions. This study proposes a combination of 50 percent "base line" and 50 percent voluntary contributions, following a model used by a number of UN organisations. Having listened to the opinions of members of the Executive Committee, I have the impression that there is not sufficient support for this. At the same time, I believe it should be possible to come up with an alternative way of covering the organization's basic costs, as envisaged in the Statute. I will, at a later stage, come back to you with more specific suggestions on this. Meanwhile, my most immediate concern is the 2002 and the 2003 budget. I cannot accept the continuing practice that the Executive Committee at large does not fund the budget which it approves every year.

The "UNHCR 2004" process has also given much thought to the interrelation between voluntary and forced migration. Increasingly, it is becoming clear that there is a need to address the broad spectrum of international migration in a concerted, comprehensive and forward looking manner. I have therefore already been working with Brunson McKinley, the Director General of the International Organization for Migration (IOM), to take stock of the co-operation between our two organizations, and to examine how we could form a strategic alliance to address global realities more effectively. We have recently reinvigorated our consultations at the senior level, as well as through our joint Action Group on Asylum and Migration. We have agreed to work on clarifying our respective roles, in order to achieve greater coherence and cost effectiveness. We both intend to significantly strengthen our co-operation. Apart from improving our operational linkages, I hope that we will move towards a more structured strategic partnership, especially where asylum and migration issues intersect.

These are all issues that require further thought. Some are extremely complex, but still we should try. I call on all of you to consider these proposals in a constructive manner.

Finally, I would like to emphasize that the link between the "UNHCR 2004" process and the Agenda for Protection is clear: a better positioned and more effective UNHCR will strengthen our capacity to achieve the goals and objectives spelt out in the Agenda for Protection. I hope that you will work with me to refine this vision as we move forward to achieve these goals.

Thank you.

B. Closing Statement by Mr. Ruud Lubbers
United Nations High Commissioner for Refugees

(Geneva, 4 October 2002)

I thank all of you for the many positive contributions you have made.

Agenda for Protection

I am delighted that this Executive Committee has endorsed the Agenda for Protection. This is an important document for all of us. Together with the Declaration of States Parties adopted at last year's Ministerial Meeting, the Agenda is the tangible outcome of the Global Consultations process.

Your endorsement of the Agenda for Protection brings the two year process of Global Consultations on International Protection to a close. I would like to thank all of you for the constructive manner in which you have contributed to this process. In particular, I thank Erika Feller for the way in which she has guided this process to its successful conclusion.

We now need to use the Agenda both to guide the action of UNHCR and as a vehicle to promote co-operation between States in tackling refugee protection today. The Agenda points the way forward.

I am encouraged by your commitment to ensure the effective implementation of the Agenda.

Convention Plus

I welcome your positive feedback on this new approach. At the same time, many of you have asked for further clarification.

The 1951 Convention with its 1967 Protocol is the foundation for the international protection of refugees. However, it has become evident that there are areas that the Convention does not adequately cover, where multilateral efforts are needed. We therefore need to develop new tools to complement and strengthen the 1951 Convention and its Protocol, especially in the areas of burden sharing, responsibility sharing, and achieving durable solutions.

In her statement on Wednesday, Erika Feller pointed out that while the Convention is clear in terms of rights, it is close to silent about whose responsibility it is to protect these rights and to provide solutions in the context of modern displacement situations. As she mentioned, the key to ensuring protection for those who genuinely need it lies in the development of new tools to better apportion responsibilities. The essence of the "Convention Plus" approach is therefore about developing special agreements to promote fair burden sharing and achieve durable solutions; this will help to reduce secondary movements.

In my Opening Statement on Monday, I specifically mentioned possible special agreements. In your interventions, two additional possibilities were added; one possibility was that of additional debt relief for major refugee hosting

countries; another possibility was that countries with managed migration programmes reserve a percentage of that quota (for example 10%) for resettlement of refugees.

Forum

Many of you have welcomed the suggestion to create a Forum. We have circulated a Non-Paper providing details of what I have in mind, so I will limit myself to a few comments:

The Forum will consist of experts. It will aim to develop new tools to complement the Convention, particularly special agreements between States.

Many of you have expressed concern that the Forum should not diminish Excom's current functions. I can assure you that it will certainly not do this. As Erika Feller mentioned in her statement, the Forum is not about introducing new layers of governance. It is not about moving protection away from Excom. And it is certainly not about replacing ownership of the agenda. Excom will remain the forum for providing overall advice and guidance on protection issues.

We will come back to you with a formal paper on the Forum, taking into consideration the comments you have made. This morning, Erika Feller held a briefing on the Agenda for Protection and the Forum. She invited you to come forward with further suggestions on the Forum and the special agreements.

Excom

This year we welcomed four new members to Excom, bringing the total number to 61 states. I have been informed that there are other applications pending. The NGO community has also been well represented this year, as have regional organizations. Next year, key sub-regional organizations will also join us. We are clearly on the path towards greater multilateralism. I welcome these as significant steps towards achieving the vision that I am developing through the UNHCR 2004 process.

I hope that the European Commission will gain enhanced status at Excom in the future. I would certainly like to see it have greater involvement in UNHCR's governance. An enhanced status for the European Commission at Excom would be consistent with its status in other UN bodies.

UNHCR 2004

In my Opening Statement I outlined the broad contours of the UNHCR 2004 process, particularly in relation to governance, funding and UNHCR's position in the UN system. You echoed my call to look into ways of strengthening UNHCR as a multilateral organization. There were indications that the UNHCR 2004 process is on the right track. These comments are encouraging. I look forward to consulting you further on this early next year.

Partnerships

Some of you pointed out that a number of tasks of significance for the well-being of refugees and returnees exceed the scope of UNHCR's resources. This is one reason that, as I mentioned in my Opening Statement, partnerships are essential. My colleague, Carol Bellamy of UNICEF, also stressed this point in her remarks on Monday.

The NGO Pre-Excom meeting last week was lively and constructive. I was particularly encouraged by the strong message of support to UNHCR from the NGO community, calling on States to ensure that sufficient financial resources are provided to UNHCR to enable it to fulfil its mandate.

I welcome the emphasis that many of you have put on the need for UNHCR to further strengthen its partnerships with agencies such as the World Bank, UNDP, the Office of the UN High Commissioner for Human Rights, the ILO and IOM; also with traditional partners such as ICRC, UNICEF and WFP, as well as with OCHA and NGOs.

I would also like to emphasize once again the importance of strengthening UNHCR's partnerships with organizations such as the League of Arab States and the African Union. The excellent panel discussion on NEPAD on Wednesday drew attention to the need for partnerships to achieve durable solutions for refugees. I was encouraged by the strong words of support of many African delegations and representatives from a number of G8 countries. For NEPAD to be successful, a strong partnership of African and non-African countries is vital. This is really about peace and development in Africa, and generous funding to achieve this; linking development assistance to less forced migration, less poverty, fewer refugees remaining idle in refugee camps, fewer child soldiers, and fewer vulnerable people.

We have fully clarified what we do for IDPs in our Annual Programmes and Supplementary Programmes. It is now up to other agencies, and in particular OCHA, to let us know their insights.

Durable solutions

I welcome your support for a continued emphasis on achieving durable solutions. I also welcome your strong support for the concepts of 4Rs and DLI.

Voluntary repatriation: Afghanistan has demonstrated clearly the ongoing problem of the gap between relief and development. We must continue to look for innovative ways of addressing this issue, both through better partnerships and through better funding arrangements. As many of you pointed out, repatriation must be followed up by effective reintegration programmes if we are to prevent today's returnees from becoming tomorrow's refugees. In post-conflict situations, the early involvement of development actors during the transition phase is essential, so that we can plan and implement programmes together.

Local integration: Some of you have highlighted obstacles to local integration. You have also emphasized the importance of addressing the root causes of refugee flows, including armed conflict and extreme poverty. Still, self-

reliance and empowerment of refugees is important. I would like to stress here that no sustainable local integration is possible without the consent of host governments and host communities. To reduce the burden on host countries, the international community should consider allocating more development funds to refugee hosting areas. This will help diminish the burden on the local community, contribute to the local development, and broaden the prospects for refugees' integration. By allowing them to become self-reliant, refugees can be an asset, and not a burden. As a number of you mentioned, the Zambian initiative has become a good model for local integration programmes. I hope that other equally innovative approaches will be developed in other parts of the world, and that they will also be generously funded.

Resettlement: I welcome your support for greater focus on resettlement, not only as a tool of protection but also as a durable solution. I also welcome the calls some of you made for additional countries to provide resettlement opportunities. Good registration and status determination will remain vital for the success of resettlement programmes.

Funding

Some of you mentioned the disparity between what Western countries spend on processing their own refugee and asylum systems and what they contribute to refugee programmes in places like Africa. This is an ongoing problem, which needs to be addressed - for example, through the "Convention Plus" approach.

With regard to the funding of UNHCR's budget, I find myself in a difficult and frustrating situation. Indeed, I sometimes feel that more energy is put into managing the shortfalls than managing the budget itself.

Over the last year, we have made strenuous efforts to prioritize our activities and to ensure maximum efficiency and cost effectiveness. However, the needs remain great, and we are still not receiving the necessary funding to meet those needs. Members of this Committee are continually urging us to raise standards in refugee camps, to invest more in particular activities, and to take on new ones. You are constantly calling on us to increase our presence in field locations, and particularly to increase our protection staff. But how can we do this when the overall level of funding is not sufficiently going up?

One delegation here mentioned that "provision of the highest achievable standards of education should be a fundamental dimension of protection". These are fine words. And I agree with them. But where is the funding for this?

UNhCR's overall budget for 2002 comes to a total of US$ 1,030 million, of which US$ 202 million is for Supplementary Programmes. This means that the overall budget has grown by some 20% compared with 2001. This increase is of course largely due to the Afghan operation.

The UNHCR operation in Afghanistan has been much praised in the past few days. It has indeed been a remarkable achievement, and once again I would like to thank donors for their support. But I have to state also that while our overall

budget is higher than last year's, our overall funding lags behind. I cannot but conclude, therefore, that to a certain extent contributions to the Afghan operation programme are at the expense of our operations under the Annual Programme Budget.

This year some donors exceeded their 2001 contributions, and I commend them for it. However, other donors did not exceed their 2001 contributions, even if one includes their contributions towards the Afghan operation. Some are even indicating that their overall contributions this year may be lower than last year. This has happened in spite of assurances of some donors that contributions to the Afghan operation would be "additional" to the normal contributions.

I find it difficult to explain to African governments, in particular, why their refugees should receive much lower levels of assistance than Afghan refugees. In this respect, I also draw your attention to the letter that the UN Secretary-General sent to a number of Heads of State requesting their support in addressing UNHCR's funding shortfalls, particularly in Africa.

Yesterday you adopted a budget of US$ 837 million for 2003. I thank you for adopting this budget. I hope that you will make it your collective responsibility to ensure that this budget is fully funded. This should not be my responsibility alone.

Hand-over from Pirkko Kourula to Mirza Hussain Khan

I would like to thank Pirkko Kourula for her many years of dedication to the work of this Committee. Since becoming Secretary in 1997, she has worked with five successive Chairmen and Bureaux, and has successfully managed an extremely complex process. I have benefited from her counsel and broad experience over the past two sessions. However, as the UNHCR 2004 process under my direction gathers momentum, Pirkko will be required to give all her attention to its completion. Therefore, in consultation with the Chairman, I have designated Mirza Hussain Khan, the Head of the Secretariat and Inter-Organization Service, as Secretary of Excom, as from the beginning of next year. I am confident he will prove a worthy successor to Pirkko.

ANNEX III

Chairman's Summing up of the General Debate

(Wednesday, 2 October 2002)

The spirit of our discussions over the past two and a half days has been positive and encouraging. Your responses to the High Commissioner's comprehensive opening statement have provided much food for thought. I am sure that the High Commissioner and his staff have benefited greatly from your insights and advice on how to move forward with the many innovative initiatives that are being launched to strengthen the Office. A number of prominent themes echoed throughout the debate.

The first of these concerns the Agenda for Protection. While many of you noted that it is not a legally binding document, you nevertheless expressed your commitment to realizing its goals. You also stressed the need to set priorities in the next crucial stage, its implementation.

The "Convention Plus" concept introduced by the High Commissioner received considerable support. A number of you highlighted issues that could be considered as the focus for the "special agreements" that will supplement the Convention. These included addressing the misuse of asylum procedures, trafficking, secondary movements, providing solutions in regions of origin and arrangements for burden sharing.

The proposal to establish a Forum in which to bring focussed discussion to the formulation of such agreements was welcomed by many delegations. Wide participation in such discussions is viewed by many as an important legacy of the Global Consultations process, one that should be sustained. Importance was also given to the need to ensure a linkage between the Forum and UNHCR's existing governance structure.

You have highlighted in your statements the diverse situation faced by refugees. Many of these occur in Africa. I was particularly gratified that African states are poised to take ownership for the continent's well-being. Many of you expressed optimism for Africa's future. A revitalized African Union and the New Partnership for Africa's Development are evidence of this hope. As one of you noted, NEPAD offers a holistic, integrated sustainable development initiative for the economic and social revival of Africa, in which you rightly call on UNHCR to play an active role.

There was broad recognition and commendation of UNHCR's efforts to assist Afghan refugees and displaced persons to return over the past year. The UNHCR team was credited as being "arguably the most effective for any refugee crisis at any time in the past". As many of you pointed out, the time has now come for UNHCR and the international community to take up the challenge of reintegration. In this regard, the High Commissioner's introduction of the 4Rs concept was seen as an important initiative. We welcomed the systematic promotion and realization of sustainable reintegration not only in

Afghanistan, but also in other parts of the world. Indeed, several countries pointed out that while assistance to Afghanistan is critical, other refugee crises should not be forgotten.

The issue of local integration also figured prominently in our discussions. At the High Commissioner's prompting, heightened recognition was given to this durable solution through the DLI approach, which seeks to build awareness of the economic potential of refugees for host countries and receiving communities. A number of you, however, pointed out that in mass influx situations such an approach is difficult if not impossible to implement and that by and large voluntary repatriation remains the most desirable solution for not only host states, but also for refugees themselves. This being said, states also advocated for expanded resettlement opportunities as a means of broadening the scope of existing burden sharing arrangements.

A number of you reminded us that we cannot attain durable solutions unless we address root causes: extreme poverty, political instability, humanitarian crises resulting from natural disasters and the impact of HIV/AIDS and other diseases. We must address these in partnership with each other, such as through NEPAD or the Zambia initiative. You have also encouraged UNHCR to expand its other partnerships with development actors, humanitarian agencies and in particular through a strategic alliance with IOM to address the asylum/migration nexus.

There was broad support for the vision the High Commissioner outlined in his statement. Moving from a coalition of the willing to a more multilateral organization was considered essential if UNHCR is to adapt to the challenges of modernity. While there is need for more detailed and transparent dialogue on certain aspects of this process, including its linkages with other new initiatives, it appears that the UNHCR 2004 process is on the right track.

While states expressed continued concern about the alleged occurrence of sexual exploitation, several delegations praised the Office's response to date and welcomed the Code of Conduct. You also welcomed the internal management reforms announced by the High Commissioner that further strengthen UNHCR's capacity to address its many challenges.

A chronic challenge, however, remains to be addressed, namely funding. Here states have a primary responsibility. Despite the numerous calls for improved funding, including the full funding of UNHCR's annual programme budget, this has yet to be achieved. The endorsement of new and innovative approaches to funding, including through broadening the donor base, pursuing complementary sources as well as expanded efforts to engage the private sector, can provide some relief. But it is vital that states make available sufficient resources and that they do so through UNHCR, thereby demonstrating our commitment to multilateralism.

ANNEX IV

AGENDA FOR PROTECTION

I. INTRODUCTION

In response to the numerous challenges confronting refugee protection for States, as well as for the Office of the United Nations High Commissioner for Refugees (UNHCR), and on the occasion of the 50th anniversary of the *1951 Convention relating to the Status of Refugees*, UNHCR set in train, in December 2000, the *Global Consultations on International Protection*. The purpose was to provoke both reflection and action to revitalize the 1951 Convention framework and to equip States better to address the challenges in a spirit of dialogue and cooperation.[1]

The Agenda for Protection is the product of this consultative process. It reflects a wide cross-section of concerns and recommendations of States, intergovernmental organizations, non-governmental organizations (NGOs), as well as refugees themselves. The Agenda focuses on suggested activities which would strengthen international protection of asylum-seekers and refugees and improve implementation of the 1951 Convention and its 1967 Protocol. These activities flow from the Declaration adopted unanimously by States Parties to the 1951 Convention and/or its 1967 Protocol at the Ministerial Meeting of States Parties, organized jointly by Switzerland and UNHCR on 12-13 December 2001, to commemorate the Convention's 50th anniversary.[2] This Declaration recognizes the enduring importance of the 1951 Convention and 1967 Protocol, reaffirms political commitment to upholding the values and principles they embody, and urges all States to consider ways to strengthen their implementation. It also affirms the need for closer cooperation between States Parties and UNHCR to facilitate UNHCR's duty of supervising the application of these instruments.[3] The Declaration is premised on more robust international cooperation, within an agreed framework of basic principles.

This Declaration serves as the framework for the Agenda for Protection, which in turn is intended to guide action by UNHCR, together with States, NGOs and other protection partners, in furthering protection objectives during the years ahead.[4]

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[1] For information on the Global Consultations on International Protection, please consult the Global Consultations page of UNHCR's website at www.unhcr.ch.

[2] See Report of *the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/MMSP/2001/10, available on the *Global Consultations* page of UNHCR's website at www.unhcr.ch.

[3] See *Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/MMSP/2001/09, available on the *Global Consultations* page of UNHCR's website at www.unhcr.ch.

[4] The Agenda for Protection is the outcome of a process which has generated considerable support across the board for the actions contained in it. It is a statement of goals and objectives and an inventory of actions to reinforce the international protection of refugees. The progressive implementation of this framework will require, in certain instances, additional consultation and will be subject to the availability of resources and commitment by all concerned.

II. DECLARATION OF STATES PARTIES

The Declaration of States Parties sets out a number of important understandings about the significance of the 1951 Convention and its 1967 Protocol within the broader international framework for refugee protection. The Declaration serves, within the Agenda for Protection, as the framework for its goals, objectives and the activities to reach them. It is an integral part of the Agenda. The numbering of the following paragraphs corresponds to that of the original text, as adopted.

Preamble

We, representatives of States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, assembled in the first meeting of States Parties in Geneva on 12 and 13 December 2001 at the invitation of the Government of Switzerland and the United Nations High Commissioner for Refugees (UNHCR),

1. Cognizant of the fact that the year 2001 marks the 50th anniversary of the 1951 Geneva Convention relating to the Status of Refugees,

2. Recognizing the enduring importance of the 1951 Convention, as the primary refugee protection instrument which, as amended by its 1967 Protocol, sets out rights, including human rights, and minimum standards of treatment that apply to persons falling within its scope,

3. Recognizing the importance of other human rights and regional refugee protection instruments, including the 1969 Organization of African Unity (OAU) Convention governing the Specific Aspects of the Refugee Problem in Africa and the 1984 Cartagena Declaration, and recognizing also the importance of the common European asylum system developed since the 1999 Tampere European Council Conclusions, as well as the Programme of Action of the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States,

4. Acknowledging the continuing relevance and resilience of this international regime of rights and principles, including at its core the principle of *non-refoulement*, whose applicability is embedded in customary international law,

5. Commending the positive and constructive role played by refugee-hosting countries and recognizing at the same time the heavy burden borne by some, particularly developing countries and countries with economies in transition, as well as the protracted nature of many refugee situations and the absence of timely and safe solutions,

6. Taking note of complex features of the evolving environment in which refugee protection has to be provided, including the nature of armed conflict, ongoing violations of human rights and international humanitarian law, current patterns of displacement, mixed population flows, the high costs of hosting large numbers of refugees and asylum-seekers and of maintaining asylum systems, the growth of associated trafficking and smuggling of

persons, the problems of safeguarding asylum systems against abuse and of excluding and returning those not entitled to or in need of international protection, as well as the lack of resolution of long-standing refugee situations,

7. Reaffirming that the 1951 Convention, as amended by the 1967 Protocol, has a central place in the international refugee protection regime, and believing also that this regime should be developed further, as appropriate, in a way that complements and strengthens the 1951 Convention and its Protocol,

8. Stressing that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and effective responsibility and burden-sharing among all States,

Operative Paragraphs

1. Solemnly reaffirm our commitment to implement our obligations under the 1951 Convention and/or its 1967 Protocol fully and effectively in accordance with the object and purpose of these instruments;

2. Reaffirm our continued commitment, in recognition of the social and humanitarian nature of the problem of refugees, to upholding the values and principles embodied in these instruments, which are consistent with Article 14 of the Universal Declaration of Human Rights, and which require respect for the rights and freedoms of refugees, international cooperation to resolve their plight, and action to address the causes of refugee movements, as well as to prevent them, *inter alia*, through the promotion of peace, stability and dialogue, from becoming a source of tension between States;

3. Recognize the importance of promoting universal adherence to the 1951 Convention and/or its 1967 Protocol, while acknowledging that there are countries of asylum which have not yet acceded to these instruments and which do continue generously to host large numbers of refugees;

4. Encourage all States that have not yet done so to accede to the 1951 Convention and/or its 1967 Protocol, as far as possible without reservation;

5. Also encourage States Parties maintaining the geographical limitation or other reservations to consider withdrawing them;

6. Call upon all States, consistent with applicable international standards, to take or continue to take measures to strengthen asylum and render protection more effective including through the adoption and implementation of national refugee legislation and procedures for the determination of refugee status and for the treatment of asylum-seekers and refugees, giving special attention to vulnerable groups and individuals with special needs, including women, children and the elderly;

7. Call upon States to continue their efforts aimed at ensuring the integrity of the asylum institution, *inter alia*, by means of carefully applying Articles 1F and 33 (2) of the 1951 Convention, in particular in light of new threats and challenges;

8. Reaffirm the fundamental importance of UNHCR as the multilateral institution with the mandate to provide international protection to refugees and to promote durable solutions, and recall our obligations as State Parties to cooperate with UNHCR in the exercise of its functions;

9. Urge all States to consider ways that may be required to strengthen the implementation of the 1951 Convention and/or 1967 Protocol and to ensure closer cooperation between States parties and UNHCR to facilitate UNHCR's duty of supervising the application of the provisions of these instruments;

10. Urge all States to respond promptly, predictably and adequately to funding appeals issued by UNHCR so as to ensure that the needs of persons under the mandate of the Office of the High Commissioner are fully met;

11. Recognize the valuable contributions made by many non-governmental organizations to the well-being of asylum-seekers and refugees in their reception, counselling and care, in finding durable solutions based on full respect of refugees, and in assisting States and UNHCR to maintain the integrity of the international refugee protection regime, notably through advocacy, as well as public awareness and information activities aimed at combating racism, racial discrimination, xenophobia and related intolerance, and gaining public support for refugees;

12. Commit ourselves to providing, within the framework of international solidarity and burden-sharing, better refugee protection through comprehensive strategies, notably regionally and internationally, in order to build capacity, in particular in developing countries and countries with economies in transition, especially those which are hosting large-scale influxes or protracted refugee situations, and to strengthening response mechanisms, so as to ensure that refugees have access to safer and better conditions of stay and timely solutions to their problems;

13. Recognize that prevention is the best way to avoid refugee situations and emphasize that the ultimate goal of international protection is to achieve a durable solution for refugees, consistent with the principle of *non-refoulement*, and commend States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognizing that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;

14. Extend our gratitude to the Government and people of Switzerland for generously hosting the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.

III. PROGRAMME OF ACTION

Following on from the Declaration of States Parties, a Programme of Action is suggested which, if implemented, should progressively reinforce refugee protection over a multiyear period. The Programme of Action has six goals:

1. Strengthening implementation of the 1951 Convention and 1967 Protocol;
2. Protecting refugees within broader migration movements;
3. Sharing of burdens and responsibilities more equitably and building of capacities to receive and protect refugees;
4. Addressing security-related concerns more effectively;
5. Redoubling the search for durable solutions; and
6. Meeting the protection needs of refugee women and refugee children.

The Programme's goals are inter-related and there are cross-cutting themes. These include responsibility and burden-sharing, as well as a gender and age-sensitive application of the regime as a whole. Suggested follow-up activities relating to refugee women and refugee children are dealt with specifically in Goal 6 and, in addition, incorporated throughout the Programme of Action.

Goal 1. Strengthening implementation of the 1951 Convention and 1967 Protocol

Implementation of the 1951 Convention and its 1967 Protocol, which together remain the foundation for international refugee protection, has to be strengthened. In the first instance, the base of State Parties has to be broadened, bringing in all the geographic regions in a more balanced way. More harmonized approaches to refugee status determination, as well as to the interpretation of the 1951 Convention and to the use of complementary forms of protection, are also called for. Resolute responses to the root causes of refugee movements, more effective and predictable responses to mass influx situations, improved reception policies and an environment generally more conducive to refugee protection would contribute to better implementation of the refugee protection regime. Appropriate measures to strengthen supervision of implementation of the 1951 Convention and 1967 Protocol need to be put in place. Refugee protection would also be enhanced by accession to, and effective implementation of, regional refugee instruments, as well as key human rights instruments. There are 12 identified objectives, together with various activities directed towards their realisation, under this overall goal:

1. Universal accession to the 1951 Convention and 1967 Protocol

- UNHCR to carry out a survey of the difficulties States have in acceding to or in implementing the 1951 Convention/1967 Protocol, with a view to assisting States to overcome them.
- States Parties to contribute actively to UNHCR's ongoing accession campaign, which aims to achieve universal accession to the 1951 Convention/1967 Protocol regime.
- States Parties and regional organizations to promote accession in their bilateral contacts and in multilateral fora and inform UNHCR about such initiatives.

- States Parties to give consideration to withdrawing reservations lodged at the time of accession and, where appropriate, to work towards lifting the geographical reservation.
- States Parties, which have not already done so, to ensure that the fundamental principles of the 1951 Convention are incorporated, where this is necessary according to the national legal system, into domestic legislation.

2. Improved individual asylum procedures

- States, through UNHCR's Executive Committee (ExCom), to consider updating past ExCom guidance on the recommended framework for asylum procedures, with a view to promoting greater harmonization in the practice of States.[5]
- States to grant access to asylum procedures and to ensure that their asylum systems provide for effective and fair decision-making, done promptly and with enforceable results, including as regards the return and readmission of those found not to be in need of international protection. Return is important to counter misuse of asylum procedures and maintain the integrity of asylum systems.[6]
- States that have not yet done so to legislate for and set up asylum procedures, benefiting from UNHCR assistance and ExCom guidance. States with established asylum procedures to consider how best to support these initiatives, including with financial and technical assistance where necessary, as a tangible form of international cooperation.[7]
- States to introduce or, as necessary, enhance gender and age-specific safeguards in asylum procedures, with due weight being accorded to the principle of family unity and bearing in mind the requirements of the *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination against Women*, as well as related UNHCR guidelines; the special needs of particularly vulnerable persons, such as victims of torture or persons with disabilities, should also benefit from necessary safeguards.[8]
- States and UNHCR to work to ensure that claims lodged by female and child asylum-seekers take properly and sensitively into account gender and age specificities, including forms of persecution which have specific gender or age-related aspects.
- States and UNHCR to undertake consultations, preferably within ExCom, on ways to better manage the challenge of increasing claims to refugee status from unaccompanied and separated child asylum-seekers.

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[5] See Conclusion No. 8 (XXVIII) 1977, on the determination of refugee status (A/AC.96/549, para. 53.6); Conclusion No. 30 (XXXIV) 1983 (A/AC.96/631, para. 97.2), on the problem of manifestly unfounded or abusive applications for refugee status or asylum.

[6] See also Goal 2, objective 7.

[7] See also Goal 3, objective 2.

[8] UNHCR's *Guidelines on Gender-Related Persecution* (HCR/GIP/02/01, May 2002), UNHCR's *Guidelines on the Protection of Refugee Women* (Geneva, 1991), UNHCR's *Sexual Violence against Refugee Women: Guidelines on Prevention and Response* (Geneva, 1995 - under revision) and UNHCR's *Refugee Children: Guidelines on Protection and Care* (1994). See also Goal 4, objective 4.

- UNHCR to engage in intensified training and in-house capacity-building, while committing more resources to improve the quality and consistency globally of its mandate refugee status determination processes.

3. Provision of complementary forms of protection to those who might not fall within the scope of the 1951 Convention, but require international protection

- Within the framework of its mandate, ExCom to work on a Conclusion containing guidance on general principles upon which complementary forms of protection should be based, on the persons who might benefit from it, and on the compatibility of these protections with the 1951 Convention and other relevant international and regional instruments.
- States to consider the merits of establishing a single procedure in which there is first an examination of the 1951 Convention grounds for refugee status, to be followed, as necessary and appropriate, by the examination of the possible grounds for the grant of complementary forms of protection.

4. Exclusion of those undeserving of international refugee protection, including those guilty of terrorist acts

- Given that combating terrorism is primarily a criminal law enforcement issue, but also that abuse of the asylum channel must be prevented, States to put in place measures, with appropriate legal safeguards, to give effect to the exclusion clauses of the Convention, which might include the following: incorporation of the exclusion clauses of the Convention into national legislation; closer cooperation and improved information sharing between immigration/asylum authorities, law enforcement authorities, and, where appropriate, UNHCR; and priority processing of asylum applications by expert personnel where there is a suspicion that the claimant might fall under Article 1 F of the 1951 Convention.[9]
- States to apply the exclusion clauses in a manner which is not prejudicial to any well-founded claim to refugee status by family members of individuals subject to exclusion proceedings.
- UNHCR to revise its *Guidelines on Exclusion* (1996).

5. Closer cooperation in the supervision of implementation of the 1951 Convention and 1967 Protocol

- States, UNHCR and NGOs to identify and work on practical modalities to ensure better cooperation between UNHCR and States Parties in strengthening implementation of the 1951 Convention and 1967 Protocol, and in facilitating UNHCR's duty to supervise international refugee instruments.
- In this regard, and to maintain the positive momentum of the *Global Consultations* process, UNHCR to continue to provide a forum for high-level and participatory dialogue on protection issues, emerging global themes

[9] The application of exclusion clauses should, as appropriate, take closely into account any relevant pronouncements of the Security Council.

and challenges, as well as specific protection situations, particularly those of an urgent character.

- In this regard also, States to provide more information on their achievements and problems as regards protection in regular meetings of the Standing Committee, paying special attention to protection issues related to women and children.

6. More harmonized interpretation of the 1951 Convention in light of developments in refugee law

- UNHCR to publish the background papers and summary conclusions of the expert roundtables held within the *Global Consultations* framework.
- UNHCR to produce complementary guidelines to its *Handbook on Procedures and Criteria for Determining Refugee Status*, drawing on applicable international legal standards, on State practice, on jurisprudence and using, as appropriate, the inputs from the debates in the *Global Consultations'* expert roundtable discussions.
- UNHCR to continue to organize expert discussions, also involving State practitioners, as the issue might require.
- UNHCR to continue to participate in initiatives and studies organized or undertaken by States, regional organizations and other partners, including NGOs and universities, focusing on refugee law.

7. Further standard-setting

- Consistent with the recognition in the Declaration of States Parties that the international refugee protection regime should be developed further, as appropriate, UNHCR to explore areas that would benefit from further standard-setting, such as ExCom Conclusions or other instruments to be identified at a later stage.

8. Enhanced respect for refugees

- States, UNHCR and other relevant actors to foster a positive and respectful attitude towards refugees, including through,
encouraging political leaders to uphold the basic values underpinning the 1951 Convention and 1967 Protocol;
making better use of and more broadly distributing public awareness materials which can sensitize civil society to the situation of refugees, including those developed by UNHCR (e.g. as developed for the *Respect; Stereotypes;* and *Lanterna Magica* campaigns), as well as educational material (pamphlets and brochures for refugee children and teenagers; and education kits, including teachers' guides).
- States to develop public awareness programmes, with the participation of refugees, which focus on the positive social and cultural contributions that refugees can make, building into these programmes greater use of educational tools such as public service announcements, sports, music and entertainment, in a way which promotes positive messages about tolerance, pluralism and common values, as well as bridge-building.

- States to take measures to combat racism, racial discrimination and xenophobia directed against asylum-seekers and refugees.

9. Adequate reception arrangements

- ExCom to consider adopting a basic framework for reception policies, drawing on applicable international legal standards, in the form of an ExCom Conclusion.
- UNHCR to develop *Guidelines on the Reception of Asylum-Seekers*, paying explicit attention to gender and age-specific considerations, as well as the special needs of victims of torture and/or of violence or the disabled, as well as those with special medical needs.
- UNHCR to monitor reception arrangements and to include information on developments, including difficulties encountered by asylum-seekers, as well as any recommendations, in its reporting on protection situations in various regions to ExCom.
- States more concertedly to explore appropriate alternatives to the detention of asylum-seekers and refugees, and to abstain, in principle, from detaining children.
- States, UNHCR, NGOs and other partners to work with refugee communities to address the needs of unaccompanied and separated child asylum-seekers and refugees, including, as necessary, their temporary placement in foster families or appointment of State or non-State guardians, and the monitoring of such arrangements.

10. More effective and predictable responses to mass influx situations

- UNHCR to prepare a comparative study on protection responses to mass influxes, which will look at best practices from UNHCR's experience, as well as take into account the views of States, and, at the same time, explore the need for another authoritative text, in addition to the 1951 Convention the 1969 OAU Convention.
- UNHCR to develop and disseminate guidelines to clarify the procedural aspects of exclusion in the context of group determination on a *prima facie* basis.
- States and UNHCR to ensure that emergency responses to mass influxes include community-based activities addressing the specific protection needs of refugee women and refugee children, as well as of vulnerable groups.[10]
- States to promote with the United Nations system, especially UNHCR, more effective engagement in early warning and contingency planning, as appropriate, both to enable countries to better prepare themselves for a potential mass influx of refugees and to ensure more adequate and timely support from the international community.

[10] This would include: separated children, the handicapped, the chronically ill, single females, single heads of household, the elderly and victims of torture.

11. Better registration and documentation of refugees

- *In keeping with the Conclusion on Registration of Refugees and Asylum-Seekers (No. 91 (LII) (2001)), and bearing in mind confidentiality requirements regarding the use of data, States to register and document female and male refugees and asylum-seekers on their territory on an individual basis as quickly as possible upon their arrival, in a manner which contributes to improving their security, their access to essential services and their freedom of movement.*
- *UNHCR to work with States towards ensuring the provision of financial and technical support, including as regards training, equipment, and materials to enable, particularly, developing host States to undertake registration and issuance of documents to refugees, in recognition that this is primarily a State responsibility.*
- States, UNHCR and relevant partners to ensure that those carrying out registration of camp populations and registration for voluntary repatriation are adequately trained, including in gender and age-sensitive interviewing techniques.
- *States and other relevant partners to consider how to make available and accessible their expertise, including through the provision of human resources, to assist UNHCR's ongoing effort to improve its own systems for registration and documentation of refugees.*
- UNHCR to issue operational standards and guidelines with regard to registration and population data management, revise its 1994 Registration Guide and develop registration and data management training modules. In addition, UNHCR to strengthen field registration support (methodologies, systems, materials, training and support missions), including by drawing on States' existing expertise and human resources.
- States and UNHCR to introduce new techniques and tools to enhance the identification and documentation of refugees and asylum-seekers, including centrally, biometric features, and to share these with a view towards developing a more standardized worldwide registration system.
- *States to provide necessary documents relating to civil status (e.g. birth, marriage, divorce, death), benefiting from the support and cooperation of UNHCR, where appropriate.*
- States, UNHCR and other relevant partners to use registration data to identify and make specific assistance and protection arrangements, where appropriate, for: women with any special protection concerns, unaccompanied and separated children, child- and single-headed households, as well as handicapped refugees and the elderly.

12. More resolute responses to root causes of refugee movements

- States to give greater priority to dealing with root causes, including armed conflict, and to ensure relevant intergovernmental agendas reflect this priority.
- States to use appropriate means at their disposal, in the context of their foreign, security, trade, development and investment policies, to influence developments in refugee-producing countries in the direction of greater respect for human rights, democratic values and good governance.

- States to support the work of the United Nations in the areas of conflict-prevention, conflict-resolution, peace-keeping and peace-building in war-torn States.
- International and regional human rights bodies, as well as development actors, to be encouraged to examine how they can make a more direct impact on refugee situations generated by human rights violations and inter-group disputes, in particular by extending financial and/or technical support to countries of origin willing to establish national human rights commissions, and to put in place measures to improve the functioning of the judiciary and police forces.
- States to give renewed consideration to ratifying the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*, with a view to early accession.
- UNHCR to seek information from States on steps they have taken to reduce statelessness and to meet the protection needs of stateless persons, in keeping with ExCom Conclusion No. 78 (XLVI) (1995), and to report to ExCom on this survey, together with recommendations which might assist in further improving their situation.
- UNHCR, through its field presence, to act as a catalyst, where appropriate, in mitigating circumstances which might lead to refugee flows.

Goal 2. Protecting refugees within broader migration movements

UNHCR's clearly defined responsibilities for refugees and other persons of concern do not extend to migrants generally. It is, at the same time, a fact that refugees often move within broader mixed migratory flows. At the same time, the insufficiency of viable, legal migration options is an added incentive for persons who are not refugees to seek to enter countries through the asylum channel, when it is the only possibility effectively open to them to enter and remain. It is important, given not least the effects on and risks to them, that refugees receive protection without having to resort to a criminal trade that will put them in danger. There is therefore a need to achieve a better understanding and management of the interface between asylum and migration, both of which UNHCR should promote, albeit consistent with its mandate, so that people in need of protection find it, people who wish to migrate have options other than through resort to the asylum channel, and unscrupulous smugglers cannot benefit through wrongful manipulation of available entry possibilities. To improve the protection of refugees within broader migration movements and to counter misuse of asylum systems, seven objectives and accompanying action have been identified:

1. Better identification of and proper response to the needs of asylum-seekers and refugees, including access to protection within the broader context of migration management

- States to ensure, taking into account relevant multilateral and cross-sectoral consultations, that immigration-control measures are tempered with adequate protection safeguards which appropriately differentiate between refugees, on the one hand, and persons not in need of international protection, on the other, to enable protection needs to be met within the agreed international framework.

- States to develop a coherent policy agenda on migration and asylum that strikes a proper balance between migration control priorities and refugee protection imperatives, and which might include transparent and equitable immigration policies for the purposes of employment and family reunification.
- UNHCR to develop *Guidelines on Safeguards for Interception Measures*, together with a training package for States, intergovernmental organizations and NGOs.
- ExCom to consider adopting a Conclusion focusing on protection safeguards in interception measures.
- UNHCR, States and other stakeholders (e.g. the International Maritime Organization) to seek to reach common understandings on responsibilities in the context of rescue at sea of asylum-seekers and refugees, including with regard to rescue itself, the disembarkation of those rescued and the solutions to be pursued.
- In the broad context of migration management, States to consider acceding to the 1990 *United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*, and relevant ILO Conventions (notably nos. 97 and 143).

2. Strengthened international efforts to combat smuggling and trafficking

- States to consider acceding to the *2000 United Nations Convention against Transnational Organized Crime* and its *Protocols (against the Smuggling of Migrants by Land, Sea and Air; and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children)*.
- States to ensure that their own asylum processes are open to receiving claims from individual trafficked persons, especially women and girls who can base their claim to asylum on grounds which are not manifestly unfounded.
- States to publicize penalties for those engaged in smuggling of and trafficking in people.
- UNHCR to explore the convening of an experts meeting focusing on the protection needs of trafficked children.

3. Better data collection and research on the nexus between asylum and migration

- States to generate and share more detailed, comparable, sex- and age-disaggregated statistics on the size, type and composition of migratory flows, to enable a qualitative analysis of the problem and shed light on the causes and ramifications of such international movements. In particular, States to consider tabulating data according to the revised *United Nations Recommendations on Statistics of International Migration* (New York, 1998).
- States to examine how to collect and share information on undocumented migration and irregular movers, including on smuggling, travel routes, etc.

- In this regard, the International Organization for Migration (IOM) to be encouraged to carry out a detailed study, in consultation with relevant States and intergovernmental organizations, on migration dynamics, including push and pull factors. UNHCR and IOM to explore with regional and other organizations[11] the undertaking of similar studies or publication of existing data for the regions they cover.

4. Reduction of irregular or secondary movements

- Bearing in mind ExCom Conclusion No. 58 (XL) of 1989 on the *Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in which They had already Found Protection*, UNHCR, in cooperation with relevant partners, to analyze the reasons for such movements, and propose strategies to address them in specific situations, predicated on a more precisely articulated understanding of what constitutes effective protection in countries of first asylum, and taking into account international solidarity and burden-sharing.
- UNHCR to work with States of origin, transit and destination and other partners, including IOM, on a package of measures which might be brought into play, as part of a comprehensive plan of action, for particular irregular or secondary movement situations.

5. Closer dialogue and cooperation between UNHCR and IOM

- UNHCR and IOM to deepen cooperation, within the framework of the *Action Group on Asylum and Migration* (AGAMI), established in November 2001, working in consultation with interested States and other intergovernmental organizations[12] and NGOs, with the aim of furthering understanding of the nexus between asylum and migration and enhancing each organization's capacity to contribute to States' efforts to develop policies and programmes on asylum and migration. In this regard, AGAMI to identify and analyze the issues within the migration/asylum nexus, deepen understanding of the nexus, address conceptual[13] as well as specific operational[14] issues and promote better information-sharing.
- UNHCR to keep States and other interested actors informed of the consultation process within AGAMI.

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[11] Such as the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC), the Council of Europe, the Economic Community of West African States (ECOWAS), the Economic Cooperation Organization (ECO), the European Union (EU), the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC), the Organization for Security and Cooperation in Europe (OSCE), the South Asian Association for Regional Cooperation (SAARC) and the Southern African Development Community (SADC).

[12] These could include the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO) and the Special Rapporteur on the Human Rights of Migrants, as appropriate.

[13] Such as terminology, research and data collection, as well as qualitative analysis.

[14] Such as interception by States of smuggled and trafficked persons and safeguards to ensure access to asylum procedures, information and public awareness activities, as well as training of public officials.

6. Information campaigns to ensure potential migrants are aware of the prospects for legal migration and the dangers of human smuggling and trafficking

- States, working together with IOM and other concerned intergovernmental bodies, such as the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO), and NGOs, to develop a model information campaign, which would provide relevant information on available channels for legal immigration and warn of the dangers of smuggling and trafficking, and which would present materials in a manner accessible to those it seeks to reach, drawing on models already in place or under development. Material clarifying international protection responsibilities to be included.

7. Return of persons found not to be in need of international protection

- States, working in consultation with relevant intergovernmental organizations, notably IOM, but also UNHCR and, as appropriate, NGOs, to develop strategies, including involving bilateral and regional readmission agreements, to promote return and readmission of persons not in need of international protection, in a humane manner and in full respect for their human rights and dignity, without resort to excessive force and, in the case of children, taking due account of their best interests.
- States, IOM and UNHCR to cooperate, as appropriate, in removing obstacles to the speedy return of asylum-seekers found not to be in need of international protection, predicating their activities on the obligation of States to readmit their own nationals.
- ExCom to consider adopting a Conclusion providing guidance to States on their obligation to accept and facilitate the return of their nationals and related issues.

Goal 3. Sharing of burdens and responsibilities more equitably and building of capacities to receive and protect refugees

The Declaration of States Parties recognizes that respect by States for their international protection responsibilities towards refugees is strengthened through international solidarity and that the refugee protection regime is enhanced through committed international cooperation in a spirit of responsibility and burden-sharing among all States. To achieve effective cooperation on refugee matters, there must be closer dialogue and multilateral "ownership" of refugee problems and their resolution. The Programme of Action is throughout premised on the need for a multilateral approach to ensure that burdens and responsibilities will be shared more equitably. Clearly performance of protection improves with strengthened national capacity, so that investment in capacity-building has to be made a more integral part of the regular operational response to any new emergency involving refugees. NGOs and other members of civil society play a particularly important role directly in protecting and assisting refugees and asylum-seekers, but also in strengthening protection capacities. Incorporating refugee issues within national and regional development agendas can help to reduce the gap between humanitarian assistance and development efforts, making a positive contribution to the longer-term welfare of host communities and making protection-based solutions more sustainable. To

achieve a more equitable sharing of burdens and responsibilities and to build capacities to receive and protect refugees and resolve their problems on a durable basis, six objectives, with accompanying activities, have been identified:

1. Better responsibility-sharing arrangements to shoulder the burdens of first asylum countries

- UNHCR to promote better responsibility-sharing in mass influx situations, using and elaborating on, where appropriate, the suggested "tool kit" mechanisms as a starting point, and to work on arrangements which might be put in place to coordinate a comprehensive approach based on burden-sharing.
- UNHCR and States to examine the desirability and feasibility of an ExCom Conclusion setting out framework considerations for responsibility-sharing, which might draw on the outcome of current efforts by the Standing Committee to measure capacity and contributions of developing host countries.
- States to consider the usefulness of specific burden-sharing agreements, negotiated either bilaterally or multilaterally, to contribute to consistency and sustainability in the international response to mass influx and protracted refugee situations.
- States and UNHCR to encourage international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for and conditions of financial lending schemes.
- States to explore with intergovernmental organizations and the private sector how to better resource trust funds (e.g. Refugee Education Trust) or scholarship schemes (e.g. Albert Einstein Academic Scholarship Programme for Refugees) which expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents.
- UNHCR, in collaboration with host governments, United Nations specialized agencies, NGOs and other relevant actors, to evaluate the impact of refugees on host country economies, society, environment and security, especially in protracted refugee situations.

2. More effective cooperation to strengthen protection capacities in refugee-receiving countries

- UNHCR and States, in cooperation with NGOs, to develop and implement concrete models to strengthen protection capacities, based on best practice, in refugee-receiving countries and at regional level. These should also aim to reduce the need for asylum-seekers and refugees to move on in an irregular manner by making protection available and generating solutions.
- In this regard, States to target financial and technical assistance in a manner that boosts the capacity of countries of first asylum to meet basic protection needs and to provide essential services, including education, as well as vocational training.

- UNHCR to develop further the capacity-building guiding principles and framework annexed to its note presented at the September 2001 *Global Consultations* meeting.[15] In addition, UNHCR will develop a *Handbook on Strengthening Capacities in Host Countries for the Protection of Refugees*, to provide its staff and partners with a tool to achieve a more consistent approach to strengthening protection capacities. At the same time, UNHCR to maintain an updated catalogue of initiatives and activities in this area, drawing on Annex II of the note.[16]
- Depending on the level of interest, UNHCR to convene regional/sub-regional workshops, involving States and NGOs, with the purpose of devising and implementing specific country or regional strategies.
- UNHCR to identify where activities to strengthen capacity are most needed, establish priorities among the various activities, and identify host countries requiring support. UNHCR will facilitate the pairing of needs with concrete offers of support and expertise by States, intergovernmental organizations, NGOs, the private sector and other actors.
- States and NGOs to explore expansion of "twinning" projects.[17]
- UNHCR to approach States that made offers of technical and other support during the *Global Consultations* (e.g. for the training of border officials or of those involved in refugee status determination) to confirm their offers of support. These will then be maintained by UNHCR in a register and drawn upon, where appropriate.
- The Working Group on Resettlement to continue to examine the relationship between protection capacity and resettlement.

3. Strengthened partnerships for protection with civil society, including NGOs

- States to examine how to accord NGOs improved legal status though creating a clear legal framework for their operations.
- UNHCR to continue to strengthen partnerships for protection and awareness-raising, not only with host and donor governments (including national and regional legislatures), but also NGOs, other actors of civil society, as well as refugee men, women and children.
- UNHCR and NGOs to intensify their cooperation to identify and address protection problems, especially where the latter have a field presence.

4. Refugee communities empowered to meet their own protection needs

- States, UNHCR and other partners to put in place or mobilize community-based systems and networks, including in particular for the protection of women and children, at the outset of the emergency phase through to the attainment of durable solutions.
- UNHCR to disseminate widely and promote better understanding of its community development strategy[18] and to train staff, government officials and partners in its proper application.

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15 See *Strengthening Protection Capacities in Host Countries*, EC/GC/01/19.

16 *Ibid.*

17 These are projects whereby civil servants from national administrations make themselves available to assist other States with less developed protection structures to build up expertise in the different areas.

18 See *Reinforcing a Community Development Approach*, *EC/51/SC/CRP.6* (15 February 2001).

- States, UNHCR and partners to consider ways to enable refugees, including in particular women and adolescents, to use their skills and capacities, in recognition that empowered refugees are better able to contribute to their own and their communities' protection.

5. Refugee issues anchored within national and regional and multilateral development agendas

- States to consider allocating development funds, possibly a percentage thereof, to programmes simultaneously benefiting refugees and the local population in host countries.
- States to consider including refugee-hosting areas in their national development plans, and UNHCR to encourage multilateral and bilateral development partners to extend tangible support for such initiatives and to submit periodic reports on its activities.
- UNHCR and States to explore new funding strategies with the private sector.

6. Resettlement used more effectively as a tool of burden sharing[19]

- States to examine how more flexible resettlement criteria could be applied with regard to refugees recognized on a *prima facie* basis in mass displacement situations to whom Article 1 F does not apply, coupled with, as appropriate, temporary humanitarian evacuation programmes.
- The Working Group on Resettlement to examine further the potential use of resettlement as a burden-sharing tool, which would include the issue of criteria to be applied in mass displacement situations, especially where the prospect of other durable solutions is remote or absent.
- States and UNHCR to examine ways in which resettlement capacities can be enhanced, e.g. through increased partnerships with NGOs and other relevant partners.

Goal 4. Addressing security-related concerns more effectively

Security problems confronting refugees can take many forms. The breakdown in social and cultural structures and norms, the separation from and loss of family members and community support, and impunity for perpetrators of crimes and violence make refugees, particularly women and children, especially vulnerable. Refugee women and girls are often subject to specific forms of abuse, such as rape, abduction, trafficking, or demands for sexual favours in exchange for offers of protection, documents or assistance. Refugee children, especially girls, are at even greater risk of sexual exploitation, violence and abuse. Refugee children, including adolescents, are often also prone to forcible recruitment by armed groups and national armed forces where refugee camps are located in close proximity to zones of armed conflict. The presence of armed elements in an influx of refugees, or in camps or refugee-populated areas, can exacerbate all of the above problems and, moreover, generate serious security concerns for refugees, receiving States and host

[19] Refer also to Goal 5.

communities. Drawing a distinction between refugees, on the one hand, and armed elements, on the other, while a major challenge, is clearly in the interest of States and of refugees. States may require technical support and dedicated resources to ensure security of refugees, refugee camps and refugee-hosting areas and, more generally, to preserve the civilian character of asylum. Progress in addressing security-related concerns will first of all hinge on the commitment of the country of asylum, but may also require the active involvement of the Security Council, where these concerns are being discussed, the Department of Peacekeeping Operations (DPKO) and organizations with specific competence in situations of armed conflict, such as the International Committee of the Red Cross (ICRC). To address security-related concerns more effectively, four objectives, together with accompanying activities, have been identified.

1. The resourcing of States for securing the safety of refugees and for the separation of armed elements from refugee populations

- ExCom to give policy directions through adoption of a Conclusion that would set out guiding considerations for the preservation of the civilian character of asylum.
- UNHCR to develop practical tools, including operational guidelines that include procedures and standards (in consultation with States, relevant United Nations entities and other interested agencies, such as the ICRC) and to work with these partners in their pilot application in certain specifically identified refugee situations.
- UNHCR to develop its own institutional capacity, through an enhanced refugee security project, to assist States in ensuring the physical safety of refugees.
- States to work in good faith, drawing on ExCom guidance, in giving priority to preserving the civilian character of asylum, including by making genuine efforts to separate combatants from refugee populations, and to ensure the physical security of refugees.
- To establish a viable operational framework for ensuring refugee security, States to explore practical arrangements for cooperation on security issues with UNHCR, the Department of Peacekeeping Operations (DPKO) and other segments of the United Nations.
- States and UNHCR to explore how to provide material support to UNHCR to establish standby mechanisms for the deployment of human security officers in refugee situations, including emergencies in which insecurity is a serious problem.
- UNHCR to identify partnership opportunities between host governments, donors and UNHCR to strengthen national capacity to manage refugee-related security issues.

2. Keeping the Secretary-General and the Security Council seized with the issue

- The United Nations Secretary-General and the Security Council to be kept advised and thereby actively seized with serious security problems in refugee areas. UNHCR will continue to keep both regularly informed.

3. Prevention of military recruitment of refugees, including refugee children

- States to take concrete measures to reduce the risk of and, to the extent possible, prevent the forcible recruitment of refugees, in particular refugee children, including by ensuring access to education and vocational training.
- States that have not yet ratified the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* to consider doing so, with a view to early accession.
- States, UNHCR and other humanitarian partners to raise awareness of and conduct training on the prevention of military recruitment among refugee populations.
- States, the United Nations Children's Fund (UNICEF) and other actors, including UNHCR, where appropriate, to set up special programmes to disarm, demobilize and reintegrate child soldiers who are among refugee populations, equally benefiting and addressing the particular situation of male and female child soldiers.

4. Prevention of age-based and sexual and gender-based violence

- UNHCR to work with States and humanitarian partners to ensure the full implementation of its *Guidelines on the Protection of Refugee Women* (Geneva, 1991), and on *Sexual Violence against Refugee Women: Guidelines on the Prevention and Response* (Geneva, 1995 - under revision), as well as the High Commissioner's *Commitments to Refugee Women* (12 December 2001) and the *Policy on Protection from Sexual Exploitation*, which is being developed by the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation.
- States, UNHCR and other relevant actors to adopt measures to ensure that gender and age-sensitive prevention and response mechanisms, including remedial actions, to sexual and gender-based violence and exploitation, including a complaints mechanism and an appropriate staff accountability framework, are an integral part of all programmes in all refugee contexts, and include relevant educational and awareness-building programmes targeting men, women and children.[20]
- UNHCR and its partners to set in place a clear accountability structure for the protection of refugee women and refugee children from age-based and sexual and gender-based violence and ensure that applicable codes of conduct are respected in all humanitarian operations.
- States to provide appropriate legal and rehabilitative remedies and to follow-up on the Yokohama Global Commitment.[21]
- States, UNHCR and other humanitarian partners to conduct training and capacity-building on the rights and needs of survivors of sexual exploitation, violence and abuse.

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[20] Using the Framework of Action to Address the Problem of Child Abuse in West Africa as an important inventory of measures, which may also be relevant in other situations, particularly for the protection of refugee children.

[21] Second World Congress against Commercial Sexual Exploitation, held in Yokohama (Japan), 17-20 December 2001.

Goal 5. Redoubling the search for durable solutions

Millions of refugees around the world presently have no access to timely and durable solutions, the securing of which is one of the principal goals of international protection. There is a need for more coherence by integrating voluntary repatriation, local integration and resettlement, whenever feasible, into one comprehensive approach, implemented in close cooperation among countries of origin, host States, UNHCR and its humanitarian and development partners, especially NGOs, as well as refugees. As an interim response, the promotion of self-reliance of refugees is an important means to avoid dependency, take advantage of the initiative and potential contributions of refugees, and prepare them for durable solutions. The success of the search for durable solutions depends in large measure on resolute and sustained international cooperation and support. Concerted action is called for, in particular, to resolve protracted refugee situations through a well-balanced package of support for the different durable solutions envisaged. In this context, the Programme of Action recognizes that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees. Resettlement, too, will have to find its place both as a vital tool for protection and also as an instrument of international solidarity and burden-sharing. Local integration, as well, has proven instrumental in resolving the plight of particular refugees or groups of refugees. To redouble the search for durable solutions, eight objectives and accompanying actions have been identified:

1. Realization of comprehensive durable solutions strategies, especially for protracted refugee situations

- UNHCR to undertake a review of all protracted refugee situations, with a view to exploring with States and other partners the feasibility of comprehensive plans of action, bringing into play each of the available durable solutions, to be implemented in close consultation with countries of origin, host countries, resettlement countries, and refugees themselves.
- The Working Group on Resettlement to explore how strengthening capacity in host countries affects the pursuit of one or other available durable solution(s), as well as a more strategic use of resettlement, including within regions affected by refugee movements.

2. Improved conditions for voluntary repatriation

- Countries of origin, working in cooperation with UNHCR and relevant partners, including OHCHR, to commit themselves to respecting the right to return and receiving back their refugees within an acceptable framework of physical, legal and material safety, achievable, for example, through amnesties, human rights guarantees, and measures to enable the restitution of property, all of which should be appropriately communicated to refugees.
- In this regard also, countries of origin to explore more actively initiatives in the socio-economic, cultural and political spheres, to foster reconciliation and dialogue, particularly with refugee communities, and to ensure respect for the rule of law.

- States to put in place more coherent and comprehensive support to countries of origin, to assist them to discharge their responsibility to ensure the legal, physical and material security of refugees.
- States to facilitate the participation of refugees, including women, in peace and reconciliation processes and to ensure that such agreements duly recognize the right to return and contemplate measures to encourage repatriation, reintegration and reconciliation.
- Countries of origin and asylum, working in cooperation with UNHCR, to promote voluntary repatriation *inter alia* through the conclusion of tripartite agreements and measures facilitating decisions on return, such as "go-and-see visits", information sessions involving exchanges between refugees and home-country officials, and similar confidence-building measures, as well as, resources permitting, enhanced UNHCR field presence to allow continuous monitoring and to contribute to the creation of normal and peaceful conditions to facilitate repatriation.
- ExCom to adopt a Conclusion addressing legal safety issues, including property concerns, as a complement to Conclusion No. 40 (XXXVI) on voluntary repatriation.
- States and UNHCR to ensure that gender and age-related issues particular to a repatriation or reintegration programme are identified at an early stage and are fully taken into account in the planning and implementation of voluntary repatriation programmes.
- States and UNHCR to ensure that both women and men are given an opportunity to make a free and fully informed decision regarding return and to sign individually the Voluntary Repatriation Form, fully respecting the need for confidentiality.

3. Strengthened cooperation to make repatriation sustainable

- UNHCR to update its 1996 *Handbook on Voluntary Repatriation*, with a sharpened focus on measures to strengthen cooperation among all concerned actors and build confidence.
- UNHCR and other relevant partners to assist the process of reconciliation by ensuring that planning and programming for repatriation include measures to encourage reconciliation, through promoting equity between returnees, displaced persons and local residents in access to essential services and participation in public life.
- States and UNHCR to ensure that planning for repatriation includes the early involvement of development partners, as a means to contribute to the sustainability of repatriation and to facilitate UNHCR's timely hand-over and exit.
- States, UNHCR and development partners to adopt, as appropriate and in a spirit of partnership, a community-based focus regarding investment in reintegration, which benefits returnees as well as the local population, and which accords sufficient priority to housing and essential services, to increase absorption capacity and contribute to reconciliation.
- States to take measures to ensure equal rights for returnee women in access to housing, property and land restitution.
- States, UNHCR and other partners to give priority to ensuring that education possibilities are available to returnees in the country of origin, and that access is facilitated through arrangements which certify education, vocational or other training received while in exile.

4. Local integration having its proper place as part of a comprehensive strategy for durable solutions

- ExCom to set out framework considerations for implementing the solution of local integration, in the form of a Conclusion sensitive to the specificities of refugee needs, international and national legal standards, as well as the socio-economic realities of hosting countries. In this regard, a gender and age-sensitive community-development approach to local integration to be promoted, taking into account, as possible and appropriate, needs of both the refugees and the local population.
- States to examine where, when and how to promote the grant of a secure legal status and residence rights, which could include the opportunity to become naturalized citizens of the country of asylum, for refugees who have already attained a considerable degree of socio-economic integration.
- States, working in partnership with international and regional development actors, to contribute to the realization of local integration through burden-sharing, which ensures that the necessary resources are available to underpin self-reliance and local integration, in a manner that sustains the viability of local communities affected by their presence.

5. Expansion of resettlement opportunities

- UNHCR to work to enhance protection through an expansion of the number of countries engaged in resettlement, as well as through more strategic use of resettlement for the benefit of as many refugees as possible, taking, however, into account the resource implications thereof.
- States that do not yet offer resettlement opportunities to give active consideration to making some resettlement places available.
- States and UNHCR, in cooperation with NGOs, to develop capacity-building programmes with new resettlement countries, involving training, as well as "twinning" and related support.
- States that offer resettlement opportunities to consider increasing their resettlement quotas, diversifying their intake of refugee groups, and introducing more flexible resettlement criteria.[22]
- States to put in place policies to ensure that resettlement runs in tandem with a more vigorous integration policy, aimed at enabling refugees having durable residence status to enjoy equality of rights and opportunities in the social, economic and cultural life of the country, especially as regards: education, including language training and skills development; the labour market; family reunification; and citizenship.

6. More efficient use of resettlement both as a protection tool and as a durable solution

- States and UNHCR, working in cooperation with NGOs, to streamline requirements for the processing of applications for resettlement, with a stronger focus on protection needs.
- States and UNHCR to explore the feasibility of establishing a central biometric registration system to support the identification of refugees in need of resettlement.

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22 See also Goal 3, objective 6.

- States and UNHCR to examine how to carry out earlier analysis of data deriving from refugee registration, to anticipate the needs for resettlement of individuals or specific groups and to process more rapidly the resettlement applications, particularly in emergency situations.
- States and UNHCR to give increased attention to gender-related protection needs in their resettlement programmes, in addition to the women-at-risk category.
- UNHCR to improve methods and mechanisms to minimize the potential for malfeasance and address corruption and fraud, and to keep ExCom informed of this effort.
- States and UNHCR to ensure the availability of increased resources for resettlement activities, integrated in a balanced way in each geographic operation.

7. Achievement of self-reliance for refugees

- UNHCR and States to ensure that, from the outset, assistance programmes for refugees integrate strategies for self-reliance and empowerment. In this regard, UNHCR to act as a catalyst in mobilizing financial and technical support for such measures.
- In this regard also, UNHCR and States to look at relief-substitution strategies[a], tapping in particular the resourcefulness and potential of refugee women, in an effort also to avoid the serious protection problems, including sexual and gender-based violence, which can result from over-dependency and idleness.
- States to consider expanding possibilities for education, vocational training, and agricultural and other income-generating programmes, benefiting men and women equitably.
- States, UNHCR and humanitarian partners to ensure that refugees, particularly refugee women and adolescents, and host communities themselves, participate in the design and development of self-reliance programmes.
- States, UNHCR and humanitarian and development partners to work with host countries on further developing integrated approaches that can strengthen the absorption capacity of refugee-hosting areas.
- UNHCR to initiate a study of economic and social conditions for refugees in host States, with emphasis on national employment legislation, as well as an inventory of best practices for self-reliance strategies, to provide States with practical operational tools to turn principles into concrete measures.

8. Rehabilitation of refugee-impacted areas in former host countries

- States, UNHCR and development partners to assess how they can best promote and positively contribute to efforts of the international community to provide for the rehabilitation of refugee-impacted areas in former countries of asylum.

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[a] Efforts involving both refugees and local communities in producing certain items (e.g. cooking oil, flour, blankets, stoves).

Goal 5: Meeting the protection needs of refugee women and refugee children

Refugee women and refugee children account for the vast majority of the world's refugees and beneficiaries of UNHCR programmes. The international community and UNHCR have developed a wealth of international norms, policies and guidelines to improve the protection and care of refugee women and refugee children. In practice, there is still a gap in the application and implementation of these, owing to resource constraints (both financial and human), uneven priorities and accountability at the level of institutions, but also within the international community. The protection of refugee women and children is both a core activity and an organizational priority for UNHCR. To protect refugee women and children, a three-pronged approach is called for, which proceeds within a rights-based framework, which contains targeted actions, and which is solidly premised on mainstreaming both gender equality and age-sensitivity.[24] The main protection concerns facing refugee women and refugee children are inter-related, cannot be treated in isolation from each other, and require strong partnership amongst all concerned partners. Specific activities to address protection needs of refugee women and refugee children are reflected under other goals and objectives of the Programme of Action. Two additional framework objectives, with some accompanying activities, are set out below:

1. Measures to improve the framework for the protection of refugee women

- States, UNHCR and partners to set in place measures to ensure that refugee women participate equitably in decision-making in all areas of refugee life, as well as in the implementation of such decisions, and that protection- and gender-sensitive approaches are applied at every stage of programme development, implementation, monitoring and evaluation.
- States to consider acceding to the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) and its *Optional Protocol*.
- UNHCR to review the recommendations contained in the Women's Commission for Refugee Women and Children's assessment of UNHCR's Guidelines on the Protection of Refugee Women[25] and to ensure timely and appropriate follow-up, with timeframes, as appropriate.
- UNHCR to finalize revision of the 1991 *Guidelines on the Protection of Refugee Women*, taking into account relevant findings of the Women's Commission for Refugee Women and Children's Assessment of implementation of the guidelines.

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[24] Recommendations for action on behalf of refugee women and children have been drawn from recent independent evaluations of UNHCR's activities for refugee women and children, Global Consultations and other meetings, international human rights law, Executive Committee Conclusions, guidelines and policies. See *An independent evaluation of the impact of UNHCR's activities in meeting the rights and protection needs of refugee children*, EPAU/2002/02 (May 2002) and UNHCR *Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation* (May 2002).

[25] UNHCR *Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation* (May 2002).

- UNHCR to ensure continuous dissemination and to monitor implementation of the *Guidelines on Gender-Related Persecution*, *Guidelines on the Protection of Refugee Women*, and *Sexual Violence against Refugee Women: Guidelines on Prevention and Response*.
- UNHCR to ensure that Country Operation Plans (COPs) and Annual Protection Reports fully address critical women's rights issues, including detailed reporting on activities carried out and results achieved, and incorporate, where appropriate, plans of action for protection, developed with partners and refugees themselves.
- States, UNHCR and other actors to ensure that a gender-equality perspective is mainstreamed into all training and learning programmes.

2. Measures to improve the framework for the protection of refugee children

- States, UNHCR and partners to set in place measures to ensure that, as appropriate, refugee children and adolescents participate equitably in decision-making in all areas of refugee life, as well as in the implementation of such decisions, and that protection and age-sensitive approaches are applied at every stage of programme development, implementation, monitoring and evaluation.
- States that have not yet ratified the *Convention on the Rights of the Child* and its *Optional Protocols on the Involvement of Children in Armed Conflict* and *on the Sale of Children, Child Prostitution and Child Pornography*, and the *1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption* to consider doing so, and States Parties to these instruments to implement them in good faith.
- States, UNHCR and humanitarian partners to continue, or establish, programmes to inform refugee children of their rights and encourage their participation in identifying protection problems, actions to alleviate them and decisions affecting them.
- States, UNHCR and humanitarian partners to continue, or set in place, training programmes on the rights of refugee children, drawing as appropriate on the *Convention on the Rights of the Child*, other relevant standards of human rights and international humanitarian law and UNHCR's guidelines on the protection and care of refugee children.
- UNHCR to ensure continuous dissemination and to oversee implementation of the guidelines on the protection and care of refugee children.
- UNHCR to establish a monitoring process to measure implementation of the above *Guidelines* as well as follow-up on the recommendations made in the independent evaluation *Meeting the Rights and Protection Needs of Refugee Children* (May 2002).
- UNHCR to ensure that Country Operation Plans (COPs) and Annual Protection Reports fully address critical children's rights issues, including detailed reporting on activities carried out and results achieved, and incorporate, where appropriate, plans of action for protection developed with partners and refugee children themselves.

- UNHCR to enhance its partnership with UNICEF and Save the Children, to improve training and capacity-building within the framework of the *Action on the Rights of Children* (ARC) project, and to give priority to training government and partner counterparts, as well as their own staff.
- States to accord importance to primary and secondary education for refugees, including by providing funding to host States and UNHCR, in recognition that education is an important tool of protection.

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